

# EXHIBIT 29

CHAD MCLARTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

JOHN RASH,

Plaintiff,

v.

CIVIL ACTION NO.:  
3:20-cv-224-NBB-RP

LAFAYETTE COUNTY,  
MISSISSIPPI,

Defendant.

VIDEOTAPED REMOTE DEPOSITION OF  
CHAD MCLARTY

Friday, January 15, 2021

9:07 a.m. Central Standard Time

Reported by:

GRETA H. DUCKETT, CCR, RPR, CRR, CVR-S, RVR-M-S

JOB NO.: 188452

<p>Page 2</p> <p>1 CHAD MCLARTY</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 January 15, 2021</p> <p>7 9:07 a.m. Central Standard Time</p> <p>8</p> <p>9 Videotaped remote deposition of</p> <p>10 CHAD MCLARTY, before Greta H. Duckett, CCR,</p> <p>11 RPR, CRR, CVR-S, RVR-M-S.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 CHAD MCLARTY</p> <p>2 A P P E A R A N C E S</p> <p>3</p> <p>4 FOR THE PLAINTIFF:</p> <p>5</p> <p>6 C. Jackson Williams, Esq.</p> <p>7 PO Box 69</p> <p>8 Taylor, Mississippi 38673</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 Joshua Tom, Esq.</p> <p>14 ACLU OF MISSISSIPPI</p> <p>15 P.O. Box 2242</p> <p>16 Jackson, Mississippi 39225</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 4</p> <p>1 CHAD MCLARTY</p> <p>2</p> <p>3 A P P E A R A N C E S</p> <p>4 C O N T I N U E D</p> <p>5</p> <p>6 FOR LAFAYETTE COUNTY, MISSISSIPPI:</p> <p>7</p> <p>8</p> <p>9 David O'Donnell, Esq.</p> <p>10 CLAYTON O'DONNELL</p> <p>11 1403 Van Buren Avenue</p> <p>12 Oxford, Mississippi 38655</p> <p>13</p> <p>14</p> <p>15 ALSO PRESENT:</p> <p>16 Tim Falk, videographer</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p> <p>1 CHAD MCLARTY</p> <p>2 I N D E X</p> <p>3 EXAMINATION INDEX</p> <p>4</p> <p>5 CHAD MCLARTY</p> <p>6 BY MR. WILLIAMS 10</p> <p>7 BY MR. O'DONNELL 112</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>Page 6</p> <p>1 CHAD MCLARTY</p> <p>2 EXHIBIT INDEX</p> <p>3</p> <p>4 EXHIBIT A Google Map 19</p> <p>5 EXHIBIT B Google map 27</p> <p>6 EXHIBIT C Google map 28</p> <p>7 EXHIBIT D Google map 29</p> <p>8 EXHIBIT F Photograph 38</p> <p>9 EXHIBIT G Links to images of Double Decker 42</p> <p>10</p> <p>11 EXHIBIT H 6/15/2020 email; Bates 56</p> <p>12 Lafayette County Doc000393</p> <p>13 to Lafayette County</p> <p>14 Doc000394</p> <p>15 EXHIBIT I Photograph 85</p> <p>16 EXHIBIT J 7/20/2020 Facility Use 62</p> <p>17 Policy</p> <p>18</p> <p>19 EXHIBIT M 10/27/2020 email; Bates 69</p> <p>20 Rash - Sheriffs Department</p> <p>21 Docs - 001 to Rash -</p> <p>22 Sheriffs Department Docs -</p> <p>23 004</p> <p>24</p> <p>25 EXHIBIT N Photograph 110</p>	<p>Page 7</p> <p>1 CHAD MCLARTY</p> <p>2 THE VIDEOGRAPHER: Good</p> <p>3 morning, Counselors. My name is</p> <p>4 Tim Falk. I am a certified legal</p> <p>5 videographer in association with</p> <p>6 TSG Reporting, Incorporated. Due</p> <p>7 to the severity of COVID-19 and</p> <p>8 following the practice of social</p> <p>9 distancing, I will not be in the</p> <p>10 same room as the witness. Instead,</p> <p>11 I will record this videotaped</p> <p>12 deposition remotely. The reporter,</p> <p>13 Greta Duckett, also will not be in</p> <p>14 the same room and will swear the</p> <p>15 witness remotely.</p> <p>16 Do all parties stipulate to</p> <p>17 the validity of this video</p> <p>18 recording and remote swearing and</p> <p>19 that it will be admissible in the</p> <p>20 courtroom as if it had been taken</p> <p>21 following Rule 30 of the Federal</p> <p>22 Rules of Civil Procedures and the</p> <p>23 state's rules where this case is</p> <p>24 pending?</p> <p>25 MR. WILLIAMS: Plaintiff</p>
<p>Page 8</p> <p>1 CHAD MCLARTY</p> <p>2 does.</p> <p>3 MR. O'DONNELL: On behalf of</p> <p>4 the defendants, I don't know what</p> <p>5 you mean by "admissibility." I</p> <p>6 think "use" would be the proper</p> <p>7 term. With that understanding, no</p> <p>8 objection.</p> <p>9 THE VIDEOGRAPHER: Okay.</p> <p>10 Thank you, Counselors.</p> <p>11 This is the start of media</p> <p>12 labeled number 1 of the</p> <p>13 video-recorded deposition of Chad</p> <p>14 McLarty, in the matter of John Rash</p> <p>15 versus Lafayette County,</p> <p>16 Mississippi, in the United States</p> <p>17 District Court, Northern District</p> <p>18 of Mississippi, case number</p> <p>19 3:20-cv-224-NBB-RP.</p> <p>20 This deposition is being held</p> <p>21 via videoconference, with all</p> <p>22 participants appearing remotely due</p> <p>23 COVID-19 restrictions, on Friday,</p> <p>24 January 15th, 2021, at</p> <p>25 approximately 9:09 a.m.</p>	<p>Page 9</p> <p>1 CHAD MCLARTY</p> <p>2 My name is Tim Falk. I am</p> <p>3 the legal video specialist from TSG</p> <p>4 Reporting, Incorporated,</p> <p>5 headquartered at 228 East 45th</p> <p>6 Street, New York, New York. The</p> <p>7 court reporter is Greta Duckett, in</p> <p>8 association with TSG Reporting.</p> <p>9 Counsel, please introduce</p> <p>10 yourselves.</p> <p>11 MR. WILLIAMS: Jack Williams,</p> <p>12 or C. Jackson Williams, counsel for</p> <p>13 plaintiff, John Rash.</p> <p>14 MR. TOM: Joshua Tom for</p> <p>15 plaintiff, John Rash.</p> <p>16 MR. O'DONNELL: David</p> <p>17 O'Donnell, on behalf of Lafayette</p> <p>18 County, Mississippi.</p> <p>19 THE VIDEOGRAPHER: And would</p> <p>20 the court reporter please swear in</p> <p>21 the witness.</p> <p>22 (The witness was sworn.)</p> <p>23 THE VIDEOGRAPHER: And,</p> <p>24 Counsel, before we begin, I just</p> <p>25 wanted to make a record that it</p>

<p style="text-align: right;">Page 10</p> <p>1 CHAD MCLARTY</p> <p>2 looks like the Internet connection</p> <p>3 for the witness is very low, and so</p> <p>4 I'm not able to get a full screen</p> <p>5 capture on Zoom, and the audio</p> <p>6 seems to be garbled as a result.</p> <p>7 So I just wanted to make sure</p> <p>8 you're aware of that before we</p> <p>9 begin.</p> <p>10 (Technical discussion.)</p> <p>11 THE VIDEOGRAPHER: Going off</p> <p>12 the record. The time is 9:11 a.m.</p> <p>13 (Off-the-record discussion</p> <p>14 from 9:11 a.m. to 9:13 a.m.)</p> <p>15 THE VIDEOGRAPHER: We are</p> <p>16 back on the record. The time is</p> <p>17 9:13 a.m.</p> <p>18 CHAD MCLARTY,</p> <p>19 the witness, having first been duly</p> <p>20 sworn to speak the truth, the whole truth and</p> <p>21 nothing but the truth, testified as follows:</p> <p>22 EXAMINATION</p> <p>23 BY MR. WILLIAMS:</p> <p>24 Q. Good morning, Mr. McLarty. My name</p> <p>25 is Jack Williams. I've lived in Oxford a long</p>	<p style="text-align: right;">Page 11</p> <p>1 CHAD MCLARTY</p> <p>2 time off and on, but I haven't had the fortune</p> <p>3 of crossing paths with you before that I know</p> <p>4 of. I think you're a good bit younger than me,</p> <p>5 though, so . . .</p> <p>6 Have you ever been deposed before?</p> <p>7 A. No, sir, I have not.</p> <p>8 Q. So this is a new process for you,</p> <p>9 then?</p> <p>10 A. Correct.</p> <p>11 Q. So in -- and I've known David a</p> <p>12 long time too, and he's a really good attorney.</p> <p>13 So I'm sure that he's told you on the front end</p> <p>14 what to expect. But I'm simply going to ask</p> <p>15 you questions, and your responsibility is to</p> <p>16 respond as fully and candidly as you can, in</p> <p>17 light of the question that I ask. You're not a</p> <p>18 mind reader. And so, you know, you've got to</p> <p>19 listen to what I'm saying.</p> <p>20 Sometimes I do not speak as clearly</p> <p>21 as I should, even though I know I should. So</p> <p>22 if you are uncertain of the question that I'm</p> <p>23 asking or you need me to rephrase it, stop and</p> <p>24 say, Wait a minute, What are you asking, or</p> <p>25 Would you rephrase that, and you will not hurt</p>
<p style="text-align: right;">Page 12</p> <p>1 CHAD MCLARTY</p> <p>2 my feelings, and I will be glad to.</p> <p>3 But unless you do that, I'm going</p> <p>4 to assume that, to the best of your knowledge,</p> <p>5 you understand what I'm saying; is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And this is -- this is sort</p> <p>8 of like -- well, it is out-of-court testimony,</p> <p>9 and so a lot of the rules that apply in a</p> <p>10 courtroom apply here. And that is, even though</p> <p>11 David is seated next to you, he's there to</p> <p>12 interject if I go out of bounds, or he's there</p> <p>13 to protect the county's interest, but he does</p> <p>14 not get to testify indirectly.</p> <p>15 And you understand that, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. If you need to stop to use</p> <p>18 the restroom or if you need to stop to get a</p> <p>19 drink of water, don't hesitate to give us the</p> <p>20 time-out, and we'll make reasonable</p> <p>21 accommodations. Fair enough?</p> <p>22 A. All right. Fair enough.</p> <p>23 Q. So what did you do to prepare for</p> <p>24 today's deposition? And don't tell me anything</p> <p>25 David may have said to you. Don't share a</p>	<p style="text-align: right;">Page 13</p> <p>1 CHAD MCLARTY</p> <p>2 confidence. But tell me generally how you</p> <p>3 prepared for the deposition.</p> <p>4 A. I mean, I met Mr. O'Donnell</p> <p>5 yesterday afternoon for a little while. Just</p> <p>6 some general insight about what a deposition is</p> <p>7 and how to go about it. Of course, I -- he</p> <p>8 asked me the same question you asked me, had I</p> <p>9 ever been involved in a deposition or ever been</p> <p>10 in a -- have I ever testified in any form or</p> <p>11 fashion. I told him, no, sir, I haven't, but I</p> <p>12 did watch Law &amp; Order the other night, so I</p> <p>13 figured I was good to go.</p> <p>14 Q. Have you ever been a juror before,</p> <p>15 by any chance?</p> <p>16 A. I have not.</p> <p>17 Q. Ever seen a courtroom proceeding</p> <p>18 other than on the screen?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. Let's get a little bit into</p> <p>21 your background, just so I can get a feel for</p> <p>22 what you might know and not know. Where is</p> <p>23 home? Where did you grow up?</p> <p>24 A. Born and raised in Oxford,</p> <p>25 Mississippi.</p>

<p style="text-align: right;">Page 14</p> <p>1 CHAD MCLARTY</p> <p>2 Q. In the city limits itself or in</p> <p>3 Lafayette County?</p> <p>4 A. In Lafayette County. I grew up in</p> <p>5 Taylor. I grew up in Taylor, Mississippi.</p> <p>6 Q. I have a particular fondness for</p> <p>7 Taylor, Mississippi. Do you still have family</p> <p>8 there?</p> <p>9 A. Yes, sir, I do.</p> <p>10 Q. Do you still live in Taylor?</p> <p>11 A. I live right outside of Taylor on</p> <p>12 Highway 7 South, but I maintain the water</p> <p>13 association for Taylor -- Taylor Water, so I'm</p> <p>14 down there all the time.</p> <p>15 Q. I live on -- or county road --</p> <p>16 gosh, it's been so long since I've been there.</p> <p>17 COVID has got me down in Jackson. 422 -- I</p> <p>18 live on old Pine Flat Road.</p> <p>19 A. I know where it's at.</p> <p>20 Q. That's a great part of the world.</p> <p>21 So I'm assuming you went to school</p> <p>22 in the Lafayette County school system?</p> <p>23 A. Yes, sir. Class of '92.</p> <p>24 Q. Class of '78. I told you I'm older</p> <p>25 than you are.</p>	<p style="text-align: right;">Page 15</p> <p>1 CHAD MCLARTY</p> <p>2 A. A little bit.</p> <p>3 Q. I have more gray than you, too.</p> <p>4 And you finished high school, and then what</p> <p>5 happened?</p> <p>6 A. I went to Northwest Community</p> <p>7 College in Senatobia for two years, and I came</p> <p>8 back and I attended Ole Miss for a year. And</p> <p>9 then I decided I wanted to do something a</p> <p>10 little different, so that was the extent of my</p> <p>11 education.</p> <p>12 Q. Okay. And so you finished school,</p> <p>13 and you started on a path to something</p> <p>14 different, which is certainly a good thing for</p> <p>15 a lot of us to do. Where did that path take</p> <p>16 you?</p> <p>17 A. From start to finish?</p> <p>18 Q. Well, if it goes on too long, I'll</p> <p>19 speed it up.</p> <p>20 A. I mean, I came back home. I got a</p> <p>21 job as a jailer for the Lafayette County</p> <p>22 Sheriff's Department for a while.</p> <p>23 Q. Uh-huh.</p> <p>24 A. Saw that that wasn't my cup of tea.</p> <p>25 I went to work for a natural gas company called</p>
<p style="text-align: right;">Page 16</p> <p>1 CHAD MCLARTY</p> <p>2 Entex at the time. It's now CenterPoint.</p> <p>3 Worked for them for three years.</p> <p>4 And then I moved on to the City of</p> <p>5 Oxford water department. I've been with them</p> <p>6 for 23 years. I'm the superintendent over</p> <p>7 water and sewer.</p> <p>8 I got elected county supervisor in</p> <p>9 2012. This is my third term. I'm the vice</p> <p>10 president of the board.</p> <p>11 I own a construction company called</p> <p>12 MC Construction, where I employ four full-time</p> <p>13 employees in the utility field outside of</p> <p>14 Oxford.</p> <p>15 Q. I'm not going to dwell deeply in</p> <p>16 any of that, but I'm going to hit a couple of</p> <p>17 points. When you went to work with Entex, what</p> <p>18 did you do? What was your position?</p> <p>19 A. Well, I maintained the distribution</p> <p>20 lines for the natural gas company. We were out</p> <p>21 there installing lines, repairing leaks, things</p> <p>22 of that nature.</p> <p>23 Q. Okay. And then you went to work</p> <p>24 with the City of Oxford in --</p> <p>25 A. The same principle, just different</p>	<p style="text-align: right;">Page 17</p> <p>1 CHAD MCLARTY</p> <p>2 product. Instead of working on gas lines, I</p> <p>3 was working on water lines.</p> <p>4 Q. So you're dealing with pipes and</p> <p>5 topography and maps and just the layout of</p> <p>6 wherever the service is your employer provides.</p> <p>7 You're pretty conversant with all of that,</p> <p>8 then, I would trust, right?</p> <p>9 A. Yes, sir. Anything to do with the</p> <p>10 distribution system. Yes, sir.</p> <p>11 Q. Okay. So -- and you said you were</p> <p>12 superintendent or supervisor with the city's</p> <p>13 water and sewage system?</p> <p>14 A. I'm the superintendent for the City</p> <p>15 of Oxford water and sewer.</p> <p>16 Q. Okay. And what does that entail at</p> <p>17 this point?</p> <p>18 A. I mean, I lead a 14-man crew on a</p> <p>19 daily basis, maintain all the infrastructure in</p> <p>20 the City of Oxford in our water and sewer</p> <p>21 franchise area. I deal directly with the COO</p> <p>22 and the city engineer and the mayor of Oxford.</p> <p>23 Q. Is it fair to say, then, that you</p> <p>24 know Oxford, the boundaries and the layout,</p> <p>25 pretty much like the back of your hand?</p>

<p style="text-align: right;">Page 18</p> <p>1 CHAD MCLARTY</p> <p>2 A. Pretty much, yes, sir.</p> <p>3 Q. Okay. Tell me about your initial</p> <p>4 decision to run for the board of supervisors.</p> <p>5 A. It was actually -- it was actually</p> <p>6 a dare at one point in time. My father is a</p> <p>7 justice court judge for Lafayette County and</p> <p>8 has been for over 40 years. We were at a</p> <p>9 wedding reception, and a couple of buddies of</p> <p>10 mine thought it would be a good idea. And so I</p> <p>11 put my name in the hat. I worked hard for it,</p> <p>12 and here I am.</p> <p>13 Q. You've done it for several terms</p> <p>14 now. How has your experience been generally?</p> <p>15 It must be satisfying for you, or you wouldn't</p> <p>16 keep going back to the well.</p> <p>17 A. It's -- you know, it's a unique</p> <p>18 job. It's a job I think every individual ought</p> <p>19 to try at least once in their lives, to run for</p> <p>20 political office. It will really humble you at</p> <p>21 times. I've had the opportunity to meet a lot</p> <p>22 of people that I never would have met before,</p> <p>23 so, yes, sir, I'm -- you know, I -- I like to</p> <p>24 serve my community. I like to do what I can to</p> <p>25 better Lafayette County because this is my</p>	<p style="text-align: right;">Page 19</p> <p>1 CHAD MCLARTY</p> <p>2 home. And, you know, Lafayette County is</p> <p>3 growing leaps and bounds. We seem to be doing</p> <p>4 a pretty good job because people want to come</p> <p>5 here.</p> <p>6 (Exhibit A was marked for</p> <p>7 identification.)</p> <p>8 BY MR. WILLIAMS:</p> <p>9 Q. Yeah. It's changed a lot since</p> <p>10 when I first moved there. It has grown</p> <p>11 remarkably. Well, so with that in mind, I'm</p> <p>12 going to go back to Exhibit A.</p> <p>13 A. I don't know how to pull it up.</p> <p>14 Q. Well, so if I'm lucky, it's on your</p> <p>15 screen.</p> <p>16 A. Yes, sir, it is.</p> <p>17 Q. And do you know what that is?</p> <p>18 A. That's the courthouse square and</p> <p>19 the surrounding area of Oxford.</p> <p>20 Q. I'm not hiding anything. I pulled</p> <p>21 that off of Google Maps. You can see that in</p> <p>22 the upper left-hand corner. I'm not asking you</p> <p>23 to vouch for the -- I don't even know the term</p> <p>24 to use -- the precise measurements or the</p> <p>25 accuracy of the map. But does it fairly</p>
<p style="text-align: right;">Page 20</p> <p>1 CHAD MCLARTY</p> <p>2 represent the way the square and the</p> <p>3 surrounding areas are set out geographically?</p> <p>4 Would you take a minute and look at it and</p> <p>5 determine whether that's true?</p> <p>6 A. Yes, sir, it looks accurate to me.</p> <p>7 Q. Okay. And so in the center -- in</p> <p>8 the middle, just below the center line is the</p> <p>9 Lafayette County courthouse. And that's what</p> <p>10 we know as "the square," right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. And I see a lot of</p> <p>13 establishments in here. As I said, I've been</p> <p>14 down in Jackson since COVID, and I know things</p> <p>15 may have changed. Some businesses may not have</p> <p>16 survived; some may have. But I'm just going to</p> <p>17 ask you about a few of these in here. Square</p> <p>18 Books -- I'm assuming Square Books and Off</p> <p>19 Square Books and the children's bookstore --</p> <p>20 are they still on the square?</p> <p>21 A. As far as I know. I mean, I know</p> <p>22 Square Books is. I'm not -- I don't know about</p> <p>23 the other two. I'm assuming they are.</p> <p>24 Q. Well, what is -- how would you</p> <p>25 describe Square Books and the other two,</p>	<p style="text-align: right;">Page 21</p> <p>1 CHAD MCLARTY</p> <p>2 assuming they're still in business insofar as</p> <p>3 being part of the community is concerned?</p> <p>4 A. I mean, to me, they're like any</p> <p>5 other retail store in the city. I don't know</p> <p>6 exactly where you're going with that.</p> <p>7 Q. Well, are they -- what about</p> <p>8 Neilson's? And I don't see Neilson's on here,</p> <p>9 but it's in the same building as Tallahatchie</p> <p>10 Gourmet.</p> <p>11 A. It's a retail clothing store. I</p> <p>12 mean, I don't -- I don't give Neilson's any</p> <p>13 more credit than Hinton &amp; Hinton.</p> <p>14 Q. Well, and Hinton &amp; Hinton, too.</p> <p>15 These are all -- what I'm asking in essence is,</p> <p>16 are these all sort of a vibrant part of the</p> <p>17 retail community surrounding the square?</p> <p>18 A. I mean, any retail businesses on</p> <p>19 the square bring people to the square. That</p> <p>20 makes it an attraction. I don't know that one</p> <p>21 has precedence over the other.</p> <p>22 Q. I agree with you completely. So</p> <p>23 but it's fair to say that the square is</p> <p>24 populated with a number of retail</p> <p>25 establishments that attract people to the</p>

<p style="text-align: right;">Page 22</p> <p>1 CHAD MCLARTY</p> <p>2 square, correct?</p> <p>3 A. I mean, yeah. I mean, if you're</p> <p>4 coming -- if that's your cup of tea that day</p> <p>5 and you want to shop for retail clothing, but</p> <p>6 there are a lot of other establishments around</p> <p>7 the square as far as bars and restaurants -- I</p> <p>8 mean, there's a mix of -- a lot of combinations</p> <p>9 of things that attract people to the square.</p> <p>10 Q. Okay. YaYa's Frozen Yogurt in the</p> <p>11 upper left-hand corner of the courthouse</p> <p>12 square, are you familiar with it?</p> <p>13 A. Never been in it, but I am familiar</p> <p>14 with it.</p> <p>15 Q. And what is it? Do you know?</p> <p>16 A. Frozen yogurt, ice cream. Like I</p> <p>17 said, I've never been inside the building.</p> <p>18 Q. What about The Blind Pig next to</p> <p>19 it?</p> <p>20 A. Pretty good place to eat.</p> <p>21 Q. Have you ever been in there?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Is it popular?</p> <p>24 A. I mean, I've been in there when</p> <p>25 there's three or four people, and I've been in</p>	<p style="text-align: right;">Page 23</p> <p>1 CHAD MCLARTY</p> <p>2 there when there's 50 people. I'm assuming,</p> <p>3 yeah.</p> <p>4 Q. Okay. I forgot to ask -- no, you</p> <p>5 told me. I take that back.</p> <p>6 Do you ever get in the city at</p> <p>7 nighttime?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And what is -- what does the square</p> <p>10 look like at nighttime on a Thursday, Friday,</p> <p>11 or Saturday night?</p> <p>12 A. Mr. Williams, it depends on -- it</p> <p>13 depends on what's going on, whether it's a</p> <p>14 football game weekend or baseball game weekend.</p> <p>15 I mean, there are a lot of different variables</p> <p>16 of what that square will look like at any given</p> <p>17 time. That's kind of an open-ended question.</p> <p>18 Q. Okay. So sometimes it's very busy?</p> <p>19 A. Yes, sir, sometimes it's so busy,</p> <p>20 they close down Jackson Avenue and Van Buren,</p> <p>21 you know, because of all the college kids and</p> <p>22 the traffic associated with those two roads.</p> <p>23 Q. And what would cause --</p> <p>24 (Simultaneous speakers.)</p> <p>25 ///</p>
<p style="text-align: right;">Page 24</p> <p>1 CHAD MCLARTY</p> <p>2 BY MR. WILLIAMS:</p> <p>3 Q. What are events that might cause it</p> <p>4 to be that busy?</p> <p>5 A. Most of the time, it's</p> <p>6 university-related stuff, you know, whether</p> <p>7 it's football, baseball, basketball. You have</p> <p>8 a Double Decker festival when there's not a</p> <p>9 COVID issue that brings in a lot of people.</p> <p>10 And there are other events that I just can't</p> <p>11 think of right now, but . . .</p> <p>12 Q. Okay. And there are other times</p> <p>13 when it's not so busy?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And assuming homecoming is 10 on a</p> <p>16 scale of 1 to 10 insofar as busy is concerned,</p> <p>17 what is not so busy on a scale of 1 to 10?</p> <p>18 A. Mr. Williams, I don't -- maybe I'm</p> <p>19 confused at where you're going with this, but I</p> <p>20 mean, the City of Oxford square is a vibrant</p> <p>21 area. There's going to be people up there at</p> <p>22 all times. Now, whether it's a thousand people</p> <p>23 or whether it's 10,000 people is just related</p> <p>24 to what's going on that weekend.</p> <p>25 Q. When there's a lot of people, they</p>	<p style="text-align: right;">Page 25</p> <p>1 CHAD MCLARTY</p> <p>2 need to park, right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Has parking been an issue in the</p> <p>5 city that you know of?</p> <p>6 A. It has been an issue. The City of</p> <p>7 Oxford just recently got through with a parking</p> <p>8 garage. I don't remember exactly how many cars</p> <p>9 it parked. 500, maybe. It seems to have</p> <p>10 really helped, but, like I said, when you've</p> <p>11 got 10-, 20,000 people coming to the square,</p> <p>12 even that can get overrun.</p> <p>13 Q. So on this map, where is the</p> <p>14 parking garage located? Can you tell me?</p> <p>15 A. It's north of Monroe Avenue. Might</p> <p>16 be west of Uptown Coffee.</p> <p>17 Q. Okay. So on this map, we see four</p> <p>18 long rectangles that at one point -- right</p> <p>19 behind Oxford Creamery and Uptown Coffee and</p> <p>20 north of Monroe -- at one time, those were just</p> <p>21 empty parking lots -- or parking lots; is that</p> <p>22 correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And the parking garage is in there</p> <p>25 now?</p>



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2 A. Yes, sir.

3 Q. Let's see what else is up here.

4 Right across from Uptown Coffee, across Lamar

5 Boulevard, what do we have?

6 A. That's the Lafayette County

7 chancery building.

8 Q. Okay. And what's in the chancery

9 building?

10 A. You've got chancery court; you've

11 got your tax assessor's office; you've got

12 Sherry Wall, which is the chancery clerk;

13 you've got Joel Hollowell and them, which is

14 the building -- building codes and zoning

15 regulations; you've got the board of

16 supervisors; the county administrator. I may

17 be leaving somebody out. But that's the

18 majority of them.

19 Q. Mississippi has a unique court

20 system -- a relatively unique court system. Do

21 you know whether the chancery court, which is

22 located in the chancery building, and the

23 circuit court, which is located in the

24 Lafayette County courthouse -- are you able to

25 determine whether they're of equal stature?

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2 MR. WILLIAMS: I've got to

3 share the screen. Thank you for

4 saying that.

5 BY MR. WILLIAMS:

6 Q. Okay. Now do you see it?

7 A. Yes, sir.

8 Q. And can you tell me what this is?

9 A. It's a satellite imagery of the

10 same map you showed on Exhibit A.

11 Q. So it fairly and accurately

12 represents the layout of Oxford on and around

13 the square. Is that a fair assessment?

14 A. Yes, sir.

15 Q. That was quick. I'm going to bring

16 in a few more.

17 (Exhibit C was marked for

18 identification.)

19 BY MR. WILLIAMS:

20 Q. Mr. McLarty, I have a document that

21 has Exhibit C in the lower corner on your

22 screen.

23 A. I'm looking at it.

24 Q. Can you tell me what that is?

25 A. It looks like the same picture as

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2 Do you have that knowledge?

3 A. No, sir, I do not.

4 Q. Okay. I'm going to move past

5 Exhibit A, and I'm going to bring some other

6 maps up. And they're just Google Maps, but

7 they're the satellite images as opposed to the

8 map image. So I'm going to take Exhibit A off.

9 And I'm going to put a new file in the chat

10 box.

11 And, Mr. McLarty, certainly show

12 the screen to your counsel before we proceed.

13 MR. O'DONNELL: I'm looking

14 over his shoulder, Jack.

15 MR. WILLIAMS: You can see

16 it? Okay.

17 (Exhibit B was marked for

18 identification.)

19 BY MR. WILLIAMS:

20 Q. Mr. McLarty, I'm handing you

21 what -- I put on the screen, if you'll look

22 down on the lower left-hand corner, it says

23 Exhibit B.

24 MR. O'DONNELL: We don't see

25 it.

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2 Exhibit B but zoomed in closer.

3 Q. That's a fair assessment. It's

4 just a zoomed-in satellite photograph of the

5 square and the surrounding area. Is that a

6 fair and accurate representation of how the

7 square and the surrounding streets and

8 buildings are laid out, to the best of your

9 knowledge?

10 A. To the best of my knowledge, yes,

11 sir.

12 Q. If there are changes, they are not

13 remarkable, with the exception of the addition

14 of a parking garage probably; is that fair?

15 A. Yes, sir.

16 Q. It may be Smitty's being torn down,

17 which is a shame.

18 (Exhibit D was marked for

19 identification.)

20 BY MR. WILLIAMS:

21 Q. Okay. Mr. McLarty, this is another

22 Google satellite image, but it's a little

23 different. Can you tell me what it is?

24 A. I mean, it's the center of -- the

25 image is the chancery building, it appears.

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1 CHAD MCLARTY

2 Q. Okay. And the chancery building is

3 the building you described a moment ago that

4 houses the chancery court and the board of

5 supervisors' office and the tax collector and

6 so on?

7 A. Yes, sir.

8 Q. Okay. And do you see the little

9 marker in the upper left-hand corner that says,

10 Search Google Maps and See travel times and

11 such?

12 A. Yes, sir, I do.

13 Q. The new parking garage is below

14 that, in essence, in what was a parking lot; is

15 that fair?

16 A. Yes, sir.

17 Q. Okay. I am going to take us

18 back -- I'll have to see which one it is.

19 So I've returned to the exhibit

20 that we've marked as C. And this is centered

21 on the courthouse square. Will you tell --

22 will you describe generally how the courthouse

23 is laid out in the square and the grounds?

24 A. I mean, basically, the courthouse

25 property is an octagon, for the most part, with

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1 CHAD MCLARTY

2 perimeter of the courthouse grounds. Would you

3 describe any fencing?

4 A. It's a wrought iron fencing.

5 Q. It's been there as long as you've

6 been going to the square, I'd bet. Is that a

7 fair assessment?

8 A. As long as I can remember, yes,

9 sir.

10 Q. Okay. And so there's wrought iron

11 fencing, but there are four entrance ways,

12 four -- I'm going to use "gates" momentarily --

13 on the north, south, east, and west side of the

14 courthouse grounds, right?

15 A. There are four openings to the

16 courthouse. There are no gates.

17 Q. What about entranceways?

18 A. What do you mean, Mr. Williams?

19 Q. Well, I mean, do -- when David

20 wants to defend a client in circuit court or

21 sue on behalf of a plaintiff, does he have to

22 scale the gates in order to get in the

23 courthouse door?

24 A. No, sir. There's no gates on the

25 wrought iron fencing. There are four openings.

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2 the south side being extended out where the

3 Confederate monument is at.

4 Q. Okay. Now there's a south side and

5 a north side. Do they both have entrances?

6 A. They both have sidewalk entrances,

7 yes, sir.

8 Q. Okay. And what about -- what about

9 the grounds themselves around the courthouse?

10 MR. O'DONNELL: Object to

11 form. You can answer, if you can.

12 A. I mean, the grounds themselves -- I

13 mean, you've got sidewalks coming north and

14 south, all the way around the courthouse.

15 You've got sidewalks that go out to the street

16 on the east and west side. There's a dozen or

17 so big oak trees and grassy areas in between

18 the sidewalk and the fence.

19 Q. Are there park benches?

20 A. Yes, sir, there are a few park

21 benches. I don't remember how many, but . . .

22 Q. Now, can you see my cursor move on

23 the screen? You may not be able to.

24 A. Yes, sir, I can see it.

25 Q. Okay. So I'm going around the

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1 CHAD MCLARTY

2 The north and the south probably are 6-, 7-foot

3 wide entrance, and -- where there's no fencing

4 at all. And the east and west side are

5 probably a little smaller, but there's no

6 gates.

7 Q. And outside of each of those

8 entranceways, it leads into a crosswalk that

9 allows pedestrians to get to or from the

10 courthouse. Is that a fair assessment?

11 A. That's correct.

12 Q. Describe for me the signs on the

13 fence that advise people of what access rights

14 they have to the courthouse grounds.

15 A. I can't, Mr. Williams. I don't --

16 I don't -- I don't have an answer to that

17 question.

18 Q. Do you know whether there are any

19 signs that restrict access -- or at least

20 announce restriction of access to the grounds,

21 other than signs that state that some of the

22 parking spots are reserved for the sheriff and

23 for deputies and for judges?

24 A. The only signs that I can remember

25 are reserved parking signs. But there could be

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2 others. I'm just not up there every day,

3 so . . .

4 Q. There are none of which you know?

5 A. None of which I know, yes, sir.

6 Q. Are there any events that take

7 place on and around the square on a regular

8 basis that you know of?

9 A. On a regular basis? No, sir.

10 Q. Did you ever go to the Christmas

11 parade when you were young?

12 A. Yes, sir, I did.

13 Q. I didn't ask whether you have

14 children. Do you have children?

15 A. I have three.

16 Q. Have you taken them to the

17 Christmas parade?

18 A. Yes, sir.

19 Q. So describe the Christmas parade

20 for me, if you please.

21 A. I mean, Mr. Williams, I guess it's

22 like any other parade with Santa Claus at the

23 end. I don't know how to describe a parade.

24 Marching bands, different floats, throwing

25 candy. That's the best I can do.

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2 So Midtown Shopping Center, it's

3 off of this map. It's north of -- on North

4 Lamar, correct?

5 A. Correct. It's at the intersection

6 of North Lamar and Price Street.

7 Q. And North Lamar, approximately

8 how -- from Jefferson Street to Price Street,

9 approximately how far is that? Can you

10 reasonably estimate that?

11 A. Best guess, a quarter of a mile.

12 Q. Okay. And so the parade comes down

13 Lamar Boulevard. Does it go around the

14 courthouse square?

15 A. When I was attending the parade, it

16 did go around the west side of the square and

17 continue on to South Lamar.

18 Q. And then -- so it would continue

19 down here to South Lamar, and then we can't see

20 it on the map. But would it go to

21 University -- would the parade go to University

22 Avenue and then turn west and go to the campus?

23 A. I mean, years ago, it used to turn

24 down University Avenue. But I think that got

25 changed where it actually went west to the

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1 CHAD MCLARTY

2 Q. Is it poorly attended?

3 A. No, sir. It's a good many people

4 up there when the City of Oxford hosts a

5 Christmas parade or allows it to be hosted. I

6 don't think they actually run it, but, I mean,

7 there's -- there's several thousand people.

8 Q. I would like to tell you that

9 organization is my strong suit, but I'd be

10 lying to you.

11 A. Fair enough.

12 Q. So I'm back to the -- just the map.

13 The Christmas parade, where does it begin?

14 A. Well, you've got to understand,

15 Mr. Williams, my kids are -- my oldest is 25;

16 my youngest is 20. So it's been several years

17 since I attended a Christmas parade. When I

18 did attend, it started at Midtown Shopping

19 Center and went to the university. Since then,

20 I think it's changed, but I'm --

21 Q. So --

22 I'm sorry. I don't mean to be

23 speaking over you. That's a cardinal sin, and

24 Ms. Duckett is going to throw something at me

25 through the screen if I continue to do that.

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2 university campus.

3 Q. Okay. And so when you were talking

4 about a thousand or more people attending, were

5 they on both sides of Lamar, and did they

6 populate the courthouse grounds as they watched

7 the floats and the parades go by -- the floats

8 and the bands?

9 A. Again, Mr. Williams, I can't speak

10 to that. I mean, yes, they were on both sides

11 of North Lamar. I always stood at the Graduate

12 Hotel area. That's where I watched the parade,

13 and that's as far as I can tell you what

14 happened.

15 Q. You never saw the parade or crowds

16 south of the Graduate Hotel?

17 A. No, sir.

18 Q. Okay. And the Graduate Hotel on

19 the map --

20 A. North Lamar and Jefferson.

21 Q. It's Jefferson and North Lamar

22 Boulevard, right?

23 A. Correct.

24 Q. Okay. Tell me about Christmas

25 lights on the square at Christmastime.

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2 A. I mean, that's a City of Oxford

3 agenda. I mean, there are lights up, but, I

4 mean, I can't speak to anything about them.

5 Q. Do they extend to the courthouse?

6 A. Yes, sir. There were cables

7 installed that allow the Christmas lights to go

8 aerial.

9 Q. Since you've been a supervisor, has

10 there been any discussion as to whether that

11 should be permitted?

12 A. No, sir.

13 Q. Has there been any discussion as to

14 whether the lights provide a distraction to

15 motorists?

16 A. Not to my knowledge.

17 (Exhibit F was marked for

18 identification.)

19 BY MR. WILLIAMS:

20 Q. So, Mr. McLarty, I've got a

21 document that has Exhibit F at the lower

22 left-hand corner. And I doubt you know the

23 young lady. Her name is Emma York, though.

24 Short of identifying the girl in

25 the photograph, do you know what that is?

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2 the next question, Mr. Williams?

3 Q. Well, are you startled to see a

4 photograph of a child underneath all of the

5 Christmas lights, eating frozen yogurt on the

6 courthouse grounds?

7 A. No, sir, I'm not. I mean, it

8 appears to be cold in that picture. I don't

9 know that I would want frozen yogurt when it's

10 cold, but . . .

11 Q. Do people wander across the

12 courthouse grounds?

13 A. Yes, sir, they do.

14 Q. And why do they do that?

15 A. To get from point A to point B. I

16 mean, it's the -- it's the center of the

17 square.

18 Q. And you can certainly walk around

19 the square, but the shortest direction is to

20 cut across the grounds; is that fair?

21 A. Yes, sir.

22 Q. Would you consider the courthouse

23 grounds to be an inviting place?

24 A. I mean, it's an historical

25 building. I mean, it's -- in my eyes, it's

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2 MR. O'DONNELL: Jack, we

3 don't -- we don't have a

4 photograph.

5 MR. WILLIAMS: I guess you're

6 not going to go into the

7 mind-reading mode. Let me get that

8 up. Now do you see Exhibit F?

9 MR. O'DONNELL: Yeah.

10 BY MR. WILLIAMS:

11 Q. Okay. So I'm lowering it right

12 now.

13 A. Yes, sir. That is the courthouse

14 with the Christmas lights attached to it.

15 Q. Okay. And what do you see in the

16 young woman's hand?

17 A. It looks like YaYa's.

18 Q. Which is the yogurt store, right?

19 A. That's correct.

20 Q. Does it startle you to see that

21 somebody may have taken a photograph of their

22 child under the Christmas lights with --

23 A. No, sir, not at all.

24 Q. Why not?

25 A. I mean, what was the previous --

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2 aesthetically pleasing. So I mean, yeah,

3 personally, but I can't speak for everybody.

4 Q. A lot of people probably consider

5 it to be an attractive space. Is that a fair

6 assessment?

7 A. I mean, my opinion, Mr. Williams,

8 personally, yes, I would agree.

9 Q. I know the city is not a body and

10 the county is not a body, but do you know

11 whether the county takes pride in the

12 courthouse and its appearance and the way that

13 it's the center of the community?

14 A. Yes, sir, we do.

15 Q. And I know you're not Mayor

16 Tannehill or part of that governing body, but

17 is it fair to say that it's the pride of the

18 city also?

19 A. I can't speak for them.

20 Q. Okay. I've tried to minimize the

21 hoops that you have to jump through to see

22 these photographs, but you have to jump through

23 some hoops for this one. And I'm going to

24 apologize on the front end. Well, you're not

25 going to be able to do it, because you're not

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2 downloading documents. Let me see if I can do

3 it another way.

4 (Exhibit G was marked for

5 identification.)

6 MR. WILLIAMS: Okay. So this

7 document is not marked as Exhibit

8 G. It was meant to be. How do I

9 solve that problem for you,

10 Ms. Duckett?

11 (Technical discussion.)

12 BY MR. WILLIAMS:

13 Q. So this has two links, and I'm

14 going to click them. You can't see my screen,

15 I bet, though. Let's fix that.

16 Okay. So I have a document, and it

17 has links to images of the Double Decker

18 festival. And I'm going to click one of them.

19 Okay. So do you see the image of the

20 courthouse with people all around it on my

21 screen?

22 A. No, sir, I do not.

23 (Technical discussion.)

24 Q. So this is the first click on that

25 document. Do you see the photograph in the --

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1 CHAD MCLARTY

2 Q. I stand corrected, because I see

3 City Grocery in the right-hand at about

4 2 o'clock. Okay.

5 So that stage, do you know the

6 function of the stage?

7 A. I really don't remember the stage

8 being on the south side, but I mean, they bring

9 in live -- live music. I mean, they have

10 different bands and artists come perform.

11 Q. So it's a -- in addition to having

12 artists who display their wares -- and we see

13 that on the tents on the left and right side of

14 the screen -- there are also musicians who play

15 on the stage, right?

16 A. That's correct.

17 Q. Are there people on the courthouse

18 grounds during these events?

19 A. Yes, sir.

20 Q. About how many people could fit on

21 the courthouse grounds? Can you assess that?

22 A. Mr. Williams, I -- that would be

23 like taking a stab in the dark. I don't know.

24 Q. More than 10?

25 A. Yes, sir. That would be an

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1 CHAD MCLARTY

2 A. Yes, I see it now.

3 Q. And there's certainly no way to

4 know whether you were there or I was there.

5 But do you recognize what it is?

6 A. It appears to be the Double Decker

7 festival.

8 Q. So tell me about the Double Decker

9 festival.

10 A. It's a -- it's a city event that

11 attracts a lot of people. There are a lot of

12 art vendors and different-type vendors that set

13 up in the parking lot area. They close off the

14 square for vehicular traffic, and it's a nice

15 event.

16 Q. So if I look at the -- I'm having a

17 hard time orienting myself. I'm assuming

18 that's probably -- if I look at the upper end,

19 I'm assuming that's the northern end of the

20 square. I see a stage. Do you know what that

21 is?

22 A. That's -- to me, that appears to be

23 the south side on the upper end. To me, on the

24 bottom of the picture, you have First National

25 Bank and the Thompson building.

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1 CHAD MCLARTY

2 accurate statement.

3 Q. More than 50?

4 A. I don't know.

5 Q. I'm getting ready to click the

6 second link. And I'll have to share the screen

7 again. And what do we have here?

8 A. The same -- it looks like the same

9 event, just a different camera angle zoomed in

10 on the courthouse more.

11 Q. Are there tents on the courthouse

12 square?

13 A. It appears to be, yes, sir.

14 Q. And people milling around?

15 A. Yes, sir.

16 Q. It looks like there are a lot of

17 tents that are circling the perimeter of the

18 square. Do you know what is housed under

19 those?

20 A. Most of the time, that's the food

21 vendors, because the courthouse grounds, years

22 ago, was set up to -- to be the power supply

23 for most of the vendors that were serving food.

24 Q. Okay. And how did that work?

25 A. I was not a supervisor at the time

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1 CHAD MCLARTY

2 when that came to light, but I do know, because

3 of my employment with the City of Oxford

4 Utilities, that there was a lot of

5 infrastructure work done around the courthouse

6 to provide power to those vendors.

7 Q. Did the county approve that?

8 A. I assume, Mr. Williams. That was

9 before my time as board supervisor, so . . .

10 Q. Well, that is in the county's

11 jurisdiction, right or wrong?

12 A. The courthouse grounds, yes, sir,

13 they're in the county jurisdiction.

14 Q. And any changes --

15 (Simultaneous speakers.)

16 A. Go ahead.

17 Q. Any changes to the infrastructure

18 that would be the responsibility -- at least

19 approval, would be the responsibility of the

20 county?

21 A. I would think so, yes, sir.

22 Q. Now, if I recall correctly -- and

23 correct me if I'm mistaken -- you said that on

24 some weekends with particularly well-attended

25 events, that some of the streets leading into

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1 CHAD MCLARTY

2 A. Correct.

3 Q. And so are you saying it's

4 barricaded approximately where YaYa's Frozen

5 Yogurt is?

6 A. No, sir. Further to the west.

7 Right there.

8 Q. Okay. And so you see where the

9 Renasant Bank sign is?

10 A. Yes, sir.

11 Q. About there?

12 A. Correct.

13 Q. And to the west, about how far?

14 A. I think it goes all the way down to

15 Ninth Street.

16 Q. So Ninth Street is the street that

17 borders the federal courthouse and St. Peter's

18 Episcopal, correct?

19 A. That's correct.

20 Q. Now, if we go south of that area,

21 we see Saint Leo's, which I think this was

22 their bar, if I remember correctly, and it says

23 "takeout." We have Rafters. What is Rafters?

24 A. It's a restaurant/bar.

25 Q. And then the Library is down here.

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1 CHAD MCLARTY

2 or out of the square are closed off? Do I

3 recall that correctly?

4 A. Yes, sir. The City of Oxford had

5 put up -- they put up bollards and at certain

6 points in times, I'm assuming it would be left

7 up to the police chief, Jeff McCutchen, on

8 whether or not to close the road due to

9 pedestrian traffic.

10 Q. And I'm going to go back to

11 Exhibit A.

12 So if we turn to Exhibit A, which

13 is just the map, do you have that up on your

14 screen now?

15 A. Yes, sir.

16 Q. Okay. And to the best of your

17 recollection, what roads have been barricaded

18 to -- I guess, for the benefit of pedestrian

19 traffic?

20 A. The one road in particular that

21 gets closed that I've seen personally is East

22 Jackson Avenue, just west of the square.

23 Q. Okay. And so looking on this map,

24 then, East Jackson Avenue runs -- is the

25 northern boundary of the courthouse, correct?

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1 CHAD MCLARTY

2 What's the Library?

3 A. It's a restaurant/bar, as well.

4 Q. The Library does an enviable

5 business. Is that fair to say?

6 A. It seems to be a pretty popular

7 place.

8 Q. Yeah, okay. And so in between the

9 Library and this row of buildings right on the

10 square, am I correct in recalling that that's

11 an alleyway?

12 A. Yes, sir.

13 Q. Okay. When the square is really

14 busy, do you know whether people walk up and

15 down and mill around it?

16 A. To the best of my knowledge, yes,

17 sir. They barricade it off, too.

18 Q. Okay. And of course, we have Ajax,

19 which that's a restaurant and a bar, correct?

20 A. Correct.

21 Q. And even though it's not mentioned

22 on here, Boure is a restaurant and a bar, and

23 it's in the general vicinity of YaYa's; is that

24 correct?

25 A. Correct.



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1 CHAD MCLARTY

2 Q. Okay. And adjacent to Square Books

3 down here on the southern end, that's City

4 Grocery, and it's a high-end restaurant and a

5 bar; is that correct?

6 A. Correct.

7 Q. Have you ever been in the bar

8 upstairs?

9 A. I have.

10 Q. Does it ever fill up?

11 A. It wasn't that night.

12 Q. You've only been once?

13 A. I've only been once. You said it

14 was high-end.

15 Q. And then down here in the southeast

16 quadrant, we have Proud Larry's, and that's a

17 restaurant and a bar, right?

18 A. Correct.

19 Q. Okay. Is it fair to say that -- I

20 think that beeping is on my end, and I don't

21 know what it is. I'm sorry for the

22 distraction.

23 Is it fair to say that these are

24 all establishments that are popular with people

25 who are on the square to celebrate an event?

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1 CHAD MCLARTY

2 the square is pretty vibrant and active. Is

3 that a fair assessment?

4 A. That's correct. I mean, when

5 college is in session, I mean, it's -- it's

6 more than normal.

7 Q. Well, so tell me about when college

8 is in session. How is it more than normal?

9 A. Well, I mean, you get the majority

10 of your college kids coming up there at night,

11 bar hopping, I mean, for lack of a better word.

12 Q. I never did that when I was in

13 school. But I understand that to have been the

14 case. And on weekends when alumni are in town,

15 a lot of parents and kids on the square, eating

16 out and going to the bars?

17 A. Yes, sir.

18 Q. Do you think the Oxford Police

19 Department manages that sort of excitement and

20 vibrance responsibly?

21 A. I mean, from my opinion, for what

22 it's worth, you know, I think they do a pretty

23 good job. You know, it's a pedestrian

24 nightmare up there at times.

25 Q. Explain that, please.

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1 CHAD MCLARTY

2 A. Yes, sir, I guess that's a fair

3 statement.

4 Q. Is it fair to say that's part of

5 the reason why this section of East Jackson is

6 closed off, is because there are so many people

7 milling about?

8 A. That would be my take on it,

9 Mr. Williams.

10 Can I interrupt you a minute to use

11 the restroom?

12 MR. WILLIAMS: Absolutely.

13 THE VIDEOGRAPHER: We're off

14 the record. The time is 10:14 a.m.

15 (Recess from 10:14 a.m. to

16 10:25 a.m.)

17 THE VIDEOGRAPHER: We are

18 back on the record. The time is

19 10:25 a.m.

20 BY MR. WILLIAMS:

21 Q. Mr. McLarty, before we broke, we

22 were discussing the fact that there are some

23 times when the square -- can you hear me?

24 A. Yes, sir.

25 Q. Okay. There are some times when

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1 CHAD MCLARTY

2 A. Well, you've got so many people,

3 whether it be the majority college-aged kids or

4 alumni. I mean, you've only got so many square

5 foot of buildings they can get into. And, I

6 mean, there's a line, like -- some nights I've

7 seen a line at the Library that would stretch

8 500 yards long, trying to get in that building.

9 Q. Okay. I'm going to pull Exhibit A

10 up again. So the Library is the bar -- and I

11 guess it's a restaurant, because I think in

12 Mississippi you have to serve food.

13 A. You have to serve food. That's

14 correct.

15 Q. But it's on Van Buren on the west

16 side of the square and that little alley that

17 we were talking about a moment ago, right?

18 A. That's correct.

19 Q. And so when you say there's a line,

20 is it -- does that line extend up the alleyway

21 towards --

22 A. It goes all the way up the alleyway

23 to East Jackson and then will turn, depending

24 on the night and who is in charge, I guess,

25 whether it goes east or west on Jackson.

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1 CHAD MCLARTY

2 Q. So it extends a full block, in

3 essence, is that -- am I reading the map

4 correctly and listening to you correctly?

5 A. Yes, sir.

6 Q. Okay. I'm in the wrong business.

7 Do you know how the Oxford Police

8 Department manages crowds like that? I mean,

9 do you have any familiarity with or

10 understanding generally?

11 A. I do not.

12 Q. Okay. Have you ever had a chance

13 to inquire about it?

14 A. No, sir.

15 Q. Do you know whether there are any

16 cameras on the square? When I say "cameras,"

17 cameras that are monitored by the Oxford Police

18 Department?

19 A. Yes, sir, I know that there are

20 cameras. I can't tell you how many.

21 Q. Are there any cameras on the

22 Lafayette County courthouse grounds?

23 A. There are cameras inside the

24 building. There's none on the exterior of the

25 building, to my knowledge, due to Archives and

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1 CHAD MCLARTY

2 monitored by someone in the sheriff's office?

3 A. I don't know that for sure, but I

4 believe they are on the same fiber line or

5 software that goes to OPD, and I think OPD

6 monitors it, to the best of my recollection.

7 Q. Which I guess makes sense, because

8 when things are really vibrant, they're on the

9 square anyway, right?

10 A. They're in that general vicinity,

11 yes, sir.

12 Q. Okay. I'm going to shift gears on

13 you.

14 (Exhibit H was marked for

15 identification.)

16 BY MR. WILLIAMS:

17 Q. Okay. Have I successfully shared

18 the screen?

19 A. I've got it on my screen, yes, sir.

20 Q. Okay. So this is a email from

21 Sherry Wall. And what I'm including is a

22 document entitled, Order: Amendment To Facility

23 Use Ground -- Regarding Use Of Courthouse

24 Grounds. And it bears the Lafayette County

25 Bates --

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1 CHAD MCLARTY

2 History not allowing them. But Sheriff East

3 has gotten two cameras installed, I believe, on

4 city-owned light poles that project on the

5 north and south side of the courthouse.

6 Q. And when did that happen?

7 A. When he took office, right after he

8 took office. February -- sometime around that

9 general time in 2020.

10 Q. February of 2020?

11 A. Yes, sir.

12 Q. Did he discuss that with the board

13 beforehand?

14 A. Yes, he did.

15 Q. And what did he state?

16 A. He just felt like that the camera

17 angles that the city had -- because

18 Sheriff East used to be the police chief of the

19 city -- there were some blind spots around the

20 courthouse, and he wanted to try to have a

21 better visual view of that. And so we

22 authorized him to put up two cameras. Again, I

23 don't know exactly where he staged them, but I

24 do know that they're not on the building.

25 Q. Do you know whether they're

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1 CHAD MCLARTY

2 MR. WILLIAMS: Are they still

3 Bates numbers, David?

4 MR. O'DONNELL: They should

5 be.

6 MR. WILLIAMS: I mean, it's

7 been so long. Nobody uses stamps

8 anymore, though, right?

9 MR. O'DONNELL: Right.

10 They're electronically affixed.

11 You'll see the Bates number is

12 actually upside down on your

13 document. It's at the top.

14 MR. WILLIAMS: So it's

15 Lafayette County Doc000394, if I'm

16 reading it correctly.

17 MR. O'DONNELL: Looks like

18 it.

19 BY MR. WILLIAMS:

20 Q. Mr. McLarty, are you familiar with

21 this document?

22 A. Yes, sir.

23 Q. Tell me what it is.

24 A. I mean, it's an amendment to the

25 facility use policy regarding the courthouse



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1 CHAD MCLARTY

2 grounds.

3 Q. And this is a true and authentic --

4 let me back up. Strike that.

5 Is this the policy that's in place

6 now insofar as -- or is this incorporated in

7 the usage policy for the courthouse grounds?

8 A. The -- the four person -- less than

9 four people around the Confederate memorial

10 holds true. But I thought we had changed the

11 30 days to 14.

12 Q. You know, now that you mention it,

13 there's a later document that I'll get to

14 that -- I think that it states that. But this

15 will -- did I hear David in the background?

16 A. No, sir.

17 Q. Okay. Tell me how this came about.

18 A. I mean, Mr. Williams, sometimes

19 it's hard to remember what I did last week,

20 much less a year ago, eight months ago.

21 But we were -- the county

22 administrator, we had conversations with her

23 because we were -- her office was getting

24 flooded at times -- and I don't -- I'm not

25 looking at the date on this right now -- but

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1 CHAD MCLARTY

2 from 10:40 a.m. to

3 10:42 a.m.)

4 THE VIDEOGRAPHER: We are

5 back on the record. The time is

6 10:42 a.m.

7 BY MR. WILLIAMS:

8 Q. Mr. McLarty, if I recall correctly,

9 you testified that the county administrator

10 brought a concern to the board's attention; is

11 that correct?

12 A. I don't understand that,

13 Mr. Williams.

14 Q. Well, then let's get me -- let's

15 get me in between the lines again.

16 How did this issue come to the

17 board's attention? And I apologize --

18 MR. O'DONNELL: Object to

19 form.

20 BY MR. WILLIAMS:

21 Q. -- if you've answered this, but I

22 didn't write it down well enough.

23 MR. O'DONNELL: You can

24 answer.

25 A. We -- the sheriff was in contact

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1 CHAD MCLARTY

2 with permit requests. And, you know, we were

3 trying to make it where -- there was so much

4 going on at that time frame, if I'm thinking

5 when this happened -- that we felt like we

6 needed to loosen up on our restrictions,

7 because so many people wanted to -- to -- I

8 don't know if "protest" is the word I need to

9 use -- voice their First Amendment right.

10 And we felt like four people could

11 do that around the Confederate memorial without

12 impeding pedestrian traffic, because the

13 crosswalk comes right up to it. Any more than

14 four would create a safety hazard, in my

15 professional opinion. That's the gist of where

16 that came about.

17 MR. WILLIAMS: I'm going to

18 have to apologize. I've got

19 5 percent on my computer. I'm

20 going to have to go grab my power

21 cord real quickly. I am so sorry.

22 Hold that thought.

23 THE VIDEOGRAPHER: We are off

24 the record. The time is 10:40 a.m.

25 (Off-the-record discussion)

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2 with the county administrator, which relayed

3 the sheriff's concerns to us and things that

4 were going on at the time. We met as a board

5 in executive session and had a discussion about

6 it, and we came up with what we felt was a

7 policy that would allow some people to stand

8 out on the Confederate memorial without having

9 to apply for a permit, which the county

10 administrator was getting a lot of permit

11 requests.

12 We felt like we were just laxing

13 our policy a little bit to allow somebody to

14 express their First Amendment right. And as

15 long as they kept it to a small group, we

16 didn't feel the need, if they were less than

17 four, that -- and they stayed outside of

18 courthouse grounds -- if I remember correctly,

19 they had to be around the monument itself. If

20 it came inside the wrought iron fence, I still

21 think that it was one or more.

22 But for an organized event would

23 require a permit. I might be not correct on

24 that, but I think that's the way it was worded.

25 I mean, so yes, I mean, it was a conversation

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1 CHAD MCLARTY  
2 between the county administrator, the sheriff,  
3 and they brought concerns to us.  
4 Q. Okay. Let's switch gears. And I  
5 think this document will confirm your  
6 recollection about the timeline being changed.  
7 I'm going to go out of sequence, Ms. Duckett.  
8 This will be Exhibit J.  
9 (Exhibit J was marked for  
10 identification.)  
11 BY MR. WILLIAMS:  
12 Q. Okay. Mr. McLarty, I have a  
13 document that's entitled, Facility Use Policy.  
14 It says, Effective Date: July 20, 2020, and  
15 Last Reviewed: March 4, 2019.  
16 If I understand correctly, this is  
17 the current policy. And what I would like for  
18 you to do is let David review this with you,  
19 too. And y'all tell me when you want me to  
20 move it up so you can verify that I have  
21 provided the current document. Okay? Because  
22 it's -- it's easy to get all these confused,  
23 and I want to make certain we're all on the  
24 same page.  
25 MR. O'DONNELL: It looks like

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1 CHAD MCLARTY  
2 10:51 a.m.  
3 (Off-the-record discussion  
4 from 10:51 a.m. to  
5 10:53 a.m.)  
6 THE VIDEOGRAPHER: We're back  
7 on the record. The time is  
8 10:53 a.m.  
9 MR. O'DONNELL: Okay. This  
10 is David. Regarding Exhibit J,  
11 which is the facility use policy  
12 that's dated -- reflecting July 20,  
13 2020, revisions, this document was  
14 finally presented to the board in  
15 its January 4, 2021 meeting, at  
16 which time it was reviewed and  
17 approved, the purpose of which was  
18 to combine all the changes that the  
19 board had made during 2020 into one  
20 document so that it would be one  
21 document posted on the website,  
22 which reflected the current version  
23 of the facility use policy.  
24 MR. WILLIAMS: Thank you.  
25 MR. O'DONNELL: Okay.

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1 CHAD MCLARTY  
2 it, Jack.  
3 MR. WILLIAMS: Is that good  
4 to go?  
5 MR. O'DONNELL: Yeah.  
6 BY MR. WILLIAMS:  
7 Q. Okay. So, Mr. McLarty, can you  
8 tell me what this is? And tell me when you  
9 want me to move it up.  
10 A. It's a facility use policy that we  
11 had in effect, effective July 20th, 2020.  
12 Q. Now, it's my understanding that the  
13 document did not exist in this consolidated  
14 form on July 20, 2020; is that correct?  
15 A. I don't know, Mr. Williams. I  
16 mean, I -- we voted to adopt it. There may  
17 have been a tweak here and there, but I -- I  
18 don't know. I mean, I don't guess I  
19 understand. The document was presented to the  
20 board of supervisors, and we voted to establish  
21 this policy.  
22 MR. WILLIAMS: Can we go off  
23 the record for just a minute?  
24 THE VIDEOGRAPHER: Sure. We  
25 are off the record. The time is

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1 CHAD MCLARTY  
2 BY MR. WILLIAMS:  
3 Q. Okay. Mr. McLarty, I am scrolling  
4 down to page 2. And there's a provision that's  
5 entitled, Courthouse Grounds. Do you recall  
6 how this provision came about?  
7 A. Give me just a second,  
8 Mr. Williams.  
9 Q. Take all the time you need.  
10 A. Mr. Williams, it goes back to what  
11 we talked about just a few minutes ago with the  
12 four or less. Due to all the permit  
13 applications that were coming in, the  
14 complexity of what was going on at the time in  
15 2020, you know, in my personal opinion, you  
16 know, things change, and a lot of times, we try  
17 to react to different things in this world.  
18 You know, the Constitution of the  
19 United States has been amended a bunch of  
20 times. I don't think you can write everything  
21 in to cover everything. So we felt a need  
22 that -- you know, we were having so many  
23 requests that we allowed a few to stand out in  
24 front of the Confederate memorial without a  
25 permit. But if they impeded the sidewalk, then

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1 CHAD MCLARTY

2 it would be a violation, or if they interrupted

3 county business, you know, there would have to

4 be something done about it.

5 Q. Now, you mentioned complexity of

6 the time at 2020. And I don't mean to misstate

7 you. If I am, correct me. What did you mean

8 by that?

9 A. You know, outside of COVID, in

10 2020, I think everybody is well aware that

11 there were some ongoing issues, a lot of

12 protests in our country due to various factors.

13 And, I mean, I think you could just pick one if

14 you wanted to. I don't know that I could name

15 them all.

16 Q. Was George Floyd's death one of the

17 reasons --

18 A. Yes, sir. He would be one of the

19 factors, yes, sir.

20 Q. Are there any others that come to

21 mind?

22 A. I mean, you know, there's been so

23 many things going on in 2020. I mean, Breonna

24 Taylor would probably be one of them. There

25 were numerous things that happened to cause a

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1 CHAD MCLARTY

2 appear in front of the board?

3 A. Yes, sir. He was in executive

4 session several times in conversations about

5 facility use policy.

6 Q. When you say "several times," more

7 than two?

8 A. I'm going to say yes, off the top

9 of my head, Mr. Williams. The majority of the

10 time, regardless of the conversation we're

11 having, the sheriff is in the room with us in

12 executive session.

13 Q. Do you recall the last time that

14 y'all revisited the four-or-less limit that is

15 contained in this provision that begins,

16 Courthouse Grounds?

17 A. Mr. Williams, I don't -- we

18 adopted -- I mean, we proposed that or adopted

19 that in July of last year. I don't recall

20 another conversation about the four-or-less

21 since then. I think everybody was fairly happy

22 with the way it was working. If there was a

23 conversation, I don't remember.

24 Q. Now, no courthouse business is

25 conducted around the Confederate soldier; is

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1 CHAD MCLARTY

2 lot of friction in our society. I mean, I --

3 I'm sure there were countless other things, but

4 I just -- people were very passionate on either

5 side of the fence, and, you know, it caused a

6 lot of people to want to come voice their

7 opinion, their First Amendment right, which,

8 you know, is fine.

9 We were just trying to -- trying to

10 react to what was going on. I don't know how

11 else to phrase it.

12 Q. Do you have an opinion as to

13 whether the policy should reflect what is going

14 on at a given time?

15 A. Mr. Williams, I don't know that I

16 have an opinion on it, but, I mean, it's --

17 it's our job as county supervisors and -- you

18 know, to try to take advice from the county

19 administrator and sheriff. And that's the road

20 we tried to go down. I mean, we listened to

21 the ones we put in that position for advice and

22 input, and these were the things the sheriff

23 had had conversations with us about -- and the

24 county administrator.

25 Q. Did the sheriff ever personally

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1 CHAD MCLARTY

2 that correct?

3 A. I mean, there's no business

4 conducted around the Confederate memorial, but

5 there are people coming in and out of that

6 south entrance to get to business in the

7 courthouse, yes.

8 Q. And there are three other ways to

9 get onto the courthouse grounds, in addition to

10 that south entrance. That's correct, isn't it?

11 A. That's correct. But if I just had

12 my coffee at Square Books, I don't want to walk

13 around it. I want to take the path of least

14 resistance.

15 Q. Now, the language in here says that

16 it's primarily a place of court business.

17 A. That's correct.

18 Q. But it's not exclusively a place of

19 court business; is that correct?

20 A. No, sir. I mean, you've got the

21 election commissioners, you know, circuit

22 clerk, the election process, marriage license,

23 things of that nature.

24 (Exhibit M was marked for

25 identification.)

<p style="text-align: right;">Page 70</p> <p>1 CHAD MCLARTY</p> <p>2 BY MR. WILLIAMS:</p> <p>3 Q. Okay. Mr. McLarty, I'm handing you</p> <p>4 a document that has Exhibit M at the bottom,</p> <p>5 and it also says, Rash - Sheriff's Department,</p> <p>6 docs 1, 2, 3, and 4.</p> <p>7 And tell me when you want me to</p> <p>8 scroll up so you can read these. Okay? So you</p> <p>9 can get through it.</p> <p>10 A. Mr. Williams, I can't read anything</p> <p>11 that says.</p> <p>12 Q. Okay. I'm just showing it to you.</p> <p>13 This is how it was produced to us.</p> <p>14 A. All right.</p> <p>15 Q. Okay.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. So do you know what this</p> <p>18 series of documents is?</p> <p>19 A. Not really. I mean, it seems to be</p> <p>20 communication between the sheriff and Chief</p> <p>21 McCutchen and the university police chief.</p> <p>22 Q. So on this last page, there's a</p> <p>23 statement that says, It's Deannie McLarty doing</p> <p>24 a prayer meeting on the courthouse lawn on</p> <p>25 the 9th. And it's dated July 28th. So I'm</p>	<p style="text-align: right;">Page 71</p> <p>1 CHAD MCLARTY</p> <p>2 assuming that it's August 9 of 2020.</p> <p>3 Does that refresh your</p> <p>4 recollection?</p> <p>5 A. No, sir. I was not part of this</p> <p>6 email correspondence, so, I mean, this is the</p> <p>7 first time I've seen it.</p> <p>8 Q. Who is Deannie McLarty? Do you</p> <p>9 know?</p> <p>10 A. That's my sister.</p> <p>11 Q. So do you know anything about her</p> <p>12 having prayer meetings on the courthouse lawn?</p> <p>13 A. Yes, sir. I'm aware that she</p> <p>14 applied for a permit and had prayer meetings</p> <p>15 with several of the ministers in this</p> <p>16 community.</p> <p>17 Q. Okay. And so tell me about that,</p> <p>18 what you know.</p> <p>19 A. Mr. Williams, all I know is the</p> <p>20 event occurred. I was not in attendance.</p> <p>21 Q. Did she talk to you about it?</p> <p>22 A. She asked me one time over the</p> <p>23 phone what I thought about it, and I said I</p> <p>24 thought it was a good idea.</p> <p>25 Q. And how did she describe it when</p>
<p style="text-align: right;">Page 72</p> <p>1 CHAD MCLARTY</p> <p>2 she spoke with you about it over the phone?</p> <p>3 A. I mean, she was excited about it,</p> <p>4 Mr. Williams. It's something she's pretty</p> <p>5 passionate about.</p> <p>6 Q. Did she describe the clergy who</p> <p>7 would be in attendance?</p> <p>8 A. The main one that I'm aware of is</p> <p>9 Fish Robinson.</p> <p>10 Q. And you will probably have to spell</p> <p>11 that for Ms. Duckett, just to make certain she</p> <p>12 gets the name down correctly.</p> <p>13 A. It's Fish, F-I-S-H. Robinson,</p> <p>14 R-O-B-I-N-S-O-N.</p> <p>15 Q. And what congregation or church</p> <p>16 does --</p> <p>17 A. He's the pastor of Community Church</p> <p>18 in Oxford.</p> <p>19 Q. Was there anybody else on the --</p> <p>20 A. Mr. Williams, I was not in</p> <p>21 attendance, so I don't know.</p> <p>22 Q. Did she state that it would be only</p> <p>23 one?</p> <p>24 A. She did not advise me either way.</p> <p>25 Q. Well, when you were able -- on what</p>	<p style="text-align: right;">Page 73</p> <p>1 CHAD MCLARTY</p> <p>2 did you base your opinion to her that it would</p> <p>3 be a good idea, then?</p> <p>4 A. Mr. Williams, I believe in the</p> <p>5 power of prayer. I'm a religious man, so . . .</p> <p>6 Q. Did the courthouse lawn seem -- and</p> <p>7 I'm not trying to -- I'm not being dismissive.</p> <p>8 So if that tone -- I want to make certain that</p> <p>9 you understand that that's not the tone of my</p> <p>10 question.</p> <p>11 But did it seem to you that the</p> <p>12 courthouse lawn was an appropriate place to</p> <p>13 celebrate faith and to draw upon faith?</p> <p>14 A. I mean, Mr. Williams, I believe</p> <p>15 anywhere is an appropriate place, to be honest</p> <p>16 with you.</p> <p>17 Q. Some people believe you can pray</p> <p>18 wherever you are. Is that -- does that meet</p> <p>19 with your beliefs?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did she speak with you after the</p> <p>22 prayer meeting?</p> <p>23 A. I mean, yes, sir. She's my sister,</p> <p>24 so we would have spoken.</p> <p>25 Q. Did she speak with you about the</p>

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2 prayer meeting after the prayer meeting?

3 A. I do not recall. I don't recall.

4 Q. Is it fair to say that that was not

5 county business, though?

6 MR. O'DONNELL: Object to

7 form. You can answer.

8 A. Yes, that was not county business.

9 Q. Now this, definition of "courthouse

10 grounds" on page 2 of -- and let me get back to

11 the exhibit. I believe it's Exhibit J. Do I

12 have Exhibit J up? Yes.

13 Do I have -- am I sharing page 2 of

14 Exhibit J, where you can see the "courthouse

15 grounds" definition?

16 A. Yes, sir.

17 Q. That does not include the chancery

18 courthouse, am I correct?

19 A. The building itself?

20 Q. Well, this definition that says

21 "courthouse grounds," does that include the

22 chancery court building and the grounds

23 surrounding the building?

24 A. No.

25 Q. I'm moving down to page 3 of

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1 CHAD MCLARTY

2 Q. Do you know what sort of research

3 they conducted?

4 A. No, sir.

5 Q. Did you look at any research they

6 conducted?

7 A. No, sir.

8 Q. Did you listen to their explanation

9 of the research they conducted?

10 A. I would listen to the sheriff's

11 advice. If he felt like a permit needed to be

12 denied, then that's what we followed suit with.

13 Q. So within that same subheading

14 entitled, Applications for Usage, turning to

15 the last bullet point, it reads in pertinent

16 part, "The county administrator may shorten or

17 waive the 14-day permit application requirement

18 for proposed uses which demonstrate an urgent

19 need for use of the county facility, such as

20 the desire to demonstrate or engage in speech

21 protected by the First Amendment, motivated by

22 events or issues suggesting a need for

23 immediate demonstration or expression, subject

24 to reasonable time, place and manner

25 restrictions."

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2 Exhibit J, and I'm looking at the section that

3 has the subheading, Applications for Usage.

4 And the second bullet point reads,

5 "Applications should be submitted to the county

6 administrator at least 14 days in advance of

7 the day needed."

8 How was that 14-day period arrived at?

9 A. The board had conversations, again,

10 with the sheriff and the county administrator,

11 and we felt like the 30-day previous

12 application process was too long. We felt like

13 14 days was adequate enough time for the

14 sheriff to do whatever he needed to do on his

15 side to make sure that there was not going to

16 be an issue or any additional manpower, et

17 cetera. That's how it came about.

18 Q. Do you know what the sheriff or

19 what the county administrator would do in those

20 14 days in order to determine whether the

21 application could be honored?

22 A. Mr. Williams, I can't speak for

23 them. They had a job to do, and I can't tell

24 you exactly what they were doing. But I'm sure

25 researching, stuff of that nature.

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1 CHAD MCLARTY

2 What is your understanding of what

3 a reasonable time, place, and manner

4 restriction is?

5 A. As far as how it relates to that

6 section?

7 Q. Sure.

8 A. I mean, if something --

9 Mr. Williams, if something came up, like it

10 says, it's First Amendment motivated by

11 issues -- and I think we had several of those

12 when we took a vote on the Confederate memorial

13 relocation -- that some of these people didn't

14 have time. They didn't have 14 days to

15 exercise their First Amendment right and to

16 protest. And I believe the county

17 administrator waived several of those. So, I

18 mean, there are certain things that happened

19 that, you know, as long as the county

20 administrator and the sheriff are comfortable

21 with it, I think that process can be moved up

22 from the 14 days, if need be.

23 Q. Is it fair to say, then, that the

24 discretion to waive the 14 days rests with the

25 sheriff and the county administrator?

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2 A. It rests solely with the county

3 administrator, on the sheriff's advice.

4 Q. Does the county administrator have

5 any guidance that must be considered other than

6 the sheriff's advice?

7 A. I mean, Mr. Williams, Lisa Carwyle,

8 our county administrator, works at the will and

9 pleasure of the board, yes. But at the end of

10 the day, we dedicated her in this position, and

11 it is in her authority that she goes through

12 permit applications. We added an appeal clause

13 to this facility use policy in case there was

14 an issue that needed to be addressed in front

15 of the board of supervisors. We have never --

16 in my nine years of being on the board of

17 supervisors, I don't ever remember hearing an

18 appeal for denial of a permit.

19 Q. Now, do you recall when the appeal

20 provision was added?

21 A. It was just recently added, this

22 last amendment, as far as actual language in

23 the facility use permit application or process.

24 It's always been out there. Any constituent or

25 any citizen or anybody coming in could always

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2 A. Again, I don't know.

3 Q. So I'm on page 2 of Exhibit J, and

4 I'm looking at a provision that has the

5 subheading, Scope of and Restrictions on Use.

6 A. I see it.

7 Q. Okay. And the last sentence reads,

8 "Use of the county courthouse exterior grounds

9 is prohibited between 30 minutes before dusk

10 through and until dawn."

11 How did this come about?

12 A. On the sheriff's advice.

13 Q. So why did the sheriff advise that?

14 A. We would have so many deputies that

15 worked rotation or shifts, so many did at

16 night. The sheriff was having a hard time

17 delegating manpower to the rest of the county

18 with some things going on around the courthouse

19 square at the time. So on his advice, we added

20 that language into the facility use policy.

21 Q. So before dusk, he has plenty of

22 manpower, but after dusk, he does not?

23 A. According to his statement to me.

24 Q. Do you know whether the deputies

25 and the people under his control, whether their

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1 CHAD MCLARTY

2 appeal to the board of supervisors by getting

3 on the agenda.

4 Q. So I'm looking on page 3 of

5 Exhibit J. Have I moved that up so that you

6 can see it, too?

7 A. Yes, sir.

8 Q. And so there's a provision that has

9 the subheading, Denial of Proposed Usage. Is

10 this the appeal provision to which you

11 referred?

12 A. It is.

13 Q. And when you -- and correct me if

14 I'm misquoting you. When you state that it was

15 recently incorporated in the official language,

16 do you remember approximately when "recently"

17 was?

18 A. I don't have them all in front of

19 me. I mean, I -- without looking at them all

20 right now, Mr. Williams, I can't tell you

21 exactly when it was.

22 Q. Was it the start of 2020?

23 A. Like I said, not looking at them, I

24 don't know.

25 Q. Middle of 2020?

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1 CHAD MCLARTY

2 shifts change with -- when the sun sets?

3 A. Mr. Williams, I don't know exactly

4 when their rotations are changed. You would

5 have to ask the sheriff that question. I just

6 know that between all the pedestrian issues

7 they were having on the square with the City of

8 Oxford, you know, and the traffic issues, it

9 was a safety issue to the sheriff. And he felt

10 like we needed to close the courthouse grounds.

11 Q. Now, I'm returning back to the

12 document that was previously marked as

13 Exhibit C. And this is the satellite view of

14 the square, correct?

15 A. Correct.

16 Q. The county contends that it owns

17 the courthouse itself and the grounds

18 immediately surrounding the courthouse and the

19 sidewalk around the perimeter of the

20 courthouse; is that correct?

21 A. That's correct.

22 Q. But insofar as Lamar Boulevard is

23 concerned -- that surrounds either side of the

24 courthouse. The county does not own Lamar

25 Boulevard, does it?



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1 CHAD MCLARTY

2 A. It depends on who you ask. We

3 don't maintain it.

4 Q. Does the city exercise jurisdiction

5 over Lamar Boulevard?

6 A. They do.

7 Q. Do the police officers issue

8 traffic citations and jaywalking tickets and

9 speeding tickets for violations that occur on

10 Lamar Boulevard?

11 A. I'm assuming they do. I never had

12 one.

13 Q. We spoke about pedestrian issues;

14 we spoke about traffic issues. Was any

15 additional justification given for enacting the

16 curfew on the Lafayette County courthouse

17 grounds at dusk?

18 A. I don't know that I would call it a

19 curfew, Mr. Williams. I mean, it's just a

20 closure. Curfew reminds me of having to be

21 home at a certain time. We've had various

22 different acts of vandalism over the years. I

23 mean, you've got to understand, you've got a

24 lot of -- a lot of people up there that are

25 coming through that general area that are

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1 CHAD MCLARTY

2 mean, it was a conversation between a

3 supervisor and the county administrator and the

4 sheriff. If it requires board action, then

5 that will happen really soon, too. But I'm

6 going to say the county administrator has the

7 authority to put the signs up without a board

8 action.

9 Q. Do you recall when this

10 conversation took place approximately?

11 A. No, sir, I do not.

12 Q. Did it take place in July?

13 A. Yeah. I mean, the sheriff had a

14 conversation about it in July.

15 Q. Now, the chancery grounds -- the

16 chancery building and the grounds upon which it

17 is included are not part of this dusk-to-dawn

18 closure described --

19 A. Is that the end of your question?

20 Q. No. No. I'm looking for a

21 document. Okay.

22 So the scope and restrictions of

23 use that we looked at in Exhibit J, which says

24 that use of the county courthouse exterior

25 grounds is prohibited between 30 minutes before

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1 CHAD MCLARTY

2 intoxicated. And the sheriff just felt like it

3 was best to close off the grounds at night.

4 Q. So what deliberation has been given

5 to installing gates on the openings so that the

6 courthouse grounds can be secured and closed at

7 night?

8 A. We have had an open discussion

9 about it amongst several of the supervisors.

10 We've talked to Sheriff East about it. He

11 would love to pursue that option. I don't

12 remember if we asked the county administrator

13 to reach out to Archives and History, because

14 I'm sure that's something that would have to go

15 through them in order for us to do that. So

16 right now, I would say that's still pending.

17 Q. What discussion has been had about

18 erecting signs advising the public that the

19 courthouse grounds are closed at dusk?

20 A. To my knowledge, right now there

21 are signs being made, and they will be put up

22 in the near future.

23 Q. And when did that decision occur?

24 A. I mean, Mr. Williams, I don't

25 remember an actual board action just yet. I

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1 CHAD MCLARTY

2 dusk through and until dawn, that does not

3 include the grounds upon which the chancery

4 building is situated. Am I correct in

5 understanding that?

6 A. You are correct.

7 (Exhibit I was marked for

8 identification.)

9 BY MR. WILLIAMS:

10 Q. I'm attempting to share Exhibit I.

11 Have I succeeded?

12 A. I've got it, Mr. Williams.

13 Q. Okay. So would you tell me what

14 this is?

15 A. That's the chancery building, or

16 better known as Plunk Palace.

17 Q. Better known as what?

18 A. Plunk Palace.

19 Q. P-L-U-N-C-K?

20 A. Yes, sir.

21 Q. Was he the county administrator?

22 You're going to have to refresh my memory.

23 A. He was the circuit clerk for

24 Lafayette County for -- I mean, the chancery

25 clerk for, God --

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2 Q. Forever.

3 A. 25, 30 years.

4 Q. Yeah. You know, I've never done

5 any chancery work to speak of, so I never had

6 to interact with that court. But as soon as

7 you said "Plunk," I went, Oh, I know that's a

8 significant figure.

9 Okay. So this is Exhibit I,

10 page 1, and what do we see?

11 A. That's the Lafayette County

12 chancery building.

13 Q. And this is the front of the

14 building, correct?

15 A. Correct.

16 Q. And it faces onto Lamar?

17 A. Correct.

18 Q. And we go to page 2 of the exhibit,

19 and what do we see?

20 A. We're looking south on North Lamar

21 towards the county courthouse.

22 Q. And on the left side of this photo

23 is the chancery building, and on the right side

24 of the photo are a number of commercial

25 establishments, and Grady Tollison's office is

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1 CHAD MCLARTY

2 Q. And what is The Growler?

3 A. It's a craft beer specialty place.

4 Q. Okay.

5 A. I have been there before.

6 Q. I haven't been in a long time, but

7 I used to like their selection. I do remember

8 that much.

9 So if we keep heading south,

10 there's a tan building that in 2020 looks a

11 little bit out of place. And then immediately

12 beyond that is a three-story red brick

13 building. Are you with me?

14 A. Yes, sir. The Thompson House.

15 Q. Okay. And The Blind Pig is in the

16 basement of that building, isn't it?

17 A. That's correct.

18 Q. Okay. Now, The Blind Pig is a bar

19 and sandwich place, correct?

20 A. Correct.

21 Q. Okay. I'm looking at page 3 of

22 Exhibit I. And what do I see?

23 A. You're looking east on Monroe.

24 You're looking at the south side of the

25 chancery building.

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1 CHAD MCLARTY

2 down there in his space. Is that a fair

3 assessment?

4 A. Yes, sir.

5 Q. Okay. So there is a large

6 crosswalk that runs across Lamar, correct?

7 A. Correct.

8 Q. Now, if we get this building on

9 the -- across from the court building, and

10 there's several panes of glass in a door

11 leading into an establishment on the southwest

12 side of that building, do you know what that

13 establishment is?

14 A. Coffee place, maybe.

15 Q. Pardon?

16 A. A coffee place, maybe?

17 Q. Yeah. Have you ever been in there?

18 A. Maybe once.

19 Q. Do you know how late it stays open?

20 A. I have no idea.

21 Q. Okay. Around the corner, I believe

22 there's a place called The Growler. At least

23 there used to be. Do you know whether that's

24 true?

25 A. As far as I know, it's still there.

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1 CHAD MCLARTY

2 Q. Okay. And I'm on page 4 of

3 Exhibit I. And what am I looking at?

4 A. The east side of the chancery

5 building and employee parking.

6 Q. Do people ever park in the parking

7 spots associated with the chancery building

8 after chancery hours?

9 A. I'm sure they do.

10 Q. And when you say you're sure, why

11 do you say that?

12 A. I mean, after 5:00 when all

13 employees go home, there's nobody up there

14 enforcing a "no parking." So it basically

15 would be free parking to whoever came in. I

16 mean, I've never parked there, but I'm assuming

17 that.

18 Q. I think I'm sharing what's

19 previously been marked as Exhibit D. Do I have

20 that on the screen?

21 A. Yes, sir.

22 Q. Okay. And so we see the Lafayette

23 County -- I'm going to say "chancery

24 building" -- in the middle of the screen. And

25 south on Monroe Avenue, there are parking



<p style="text-align: right;">Page 90</p> <p>1 CHAD MCLARTY</p> <p>2 slots. Is that parking that's associated with</p> <p>3 the chancery building?</p> <p>4 A. No, sir. It's city-owned.</p> <p>5 Q. That's city-owned. Do people park</p> <p>6 there after 5:00?</p> <p>7 A. It's paid parking, but yeah.</p> <p>8 Q. Okay. And then so I'm on the east</p> <p>9 side of the building now, and I see parking</p> <p>10 spots. Is that the chancery building parking</p> <p>11 spots?</p> <p>12 A. That is correct.</p> <p>13 Q. And do people park there after</p> <p>14 5:00?</p> <p>15 A. Like I said previously, I'm</p> <p>16 assuming. I've never parked there.</p> <p>17 Q. Free parking --</p> <p>18 A. Correct.</p> <p>19 Q. -- is cherished after 5:00, isn't</p> <p>20 it?</p> <p>21 A. It is.</p> <p>22 Q. Okay. And looking on the north</p> <p>23 side of the chancery building, there's another</p> <p>24 parking lot. Can you tell me about that?</p> <p>25 A. That's Lafayette County property.</p>	<p style="text-align: right;">Page 91</p> <p>1 CHAD MCLARTY</p> <p>2 It's -- that parking lot on the north side is</p> <p>3 structured for the constituents to come in and</p> <p>4 pay their tax bills or whatever other business</p> <p>5 they have in the chancery building. It's free</p> <p>6 of charge. Some of them have signs dedicated</p> <p>7 for employee parking on the far north side.</p> <p>8 Everything to the south side of the parking lot</p> <p>9 is for taxpayers of Lafayette County.</p> <p>10 Q. And do people park there after</p> <p>11 5:00?</p> <p>12 A. Yes, sir, they do.</p> <p>13 Q. Now, when we go due north just on</p> <p>14 the northern edge, there is a structure that's</p> <p>15 called Graduate Oxford. Do you know what that</p> <p>16 is?</p> <p>17 A. It's a hotel.</p> <p>18 Q. And what do you know about that</p> <p>19 hotel?</p> <p>20 A. I mean, it's a fairly nice hotel.</p> <p>21 I've been upstairs and ate at the restaurant.</p> <p>22 That's all I can tell you. I've never stayed</p> <p>23 there.</p> <p>24 Q. Do you know whether it's a</p> <p>25 desirable place to stay for alumni coming into</p>
<p style="text-align: right;">Page 92</p> <p>1 CHAD MCLARTY</p> <p>2 town for games and things like that?</p> <p>3 A. I would assume, yes, sir. It's</p> <p>4 close to the square.</p> <p>5 Q. And it's pretty swanky, isn't it?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Now, up here, you see the little</p> <p>8 orange dot and a little pink dot?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you know whether there's a bar</p> <p>11 up there?</p> <p>12 A. There's a bar and a restaurant. I</p> <p>13 believe it's called the -- maybe The Coop. I'm</p> <p>14 not -- I don't really remember the name, but, I</p> <p>15 mean, I've been in it.</p> <p>16 Q. It's upstairs and part of it is</p> <p>17 open air; isn't that correct?</p> <p>18 A. Rooftop, yes, sir.</p> <p>19 Q. Yeah. And, again, going back to</p> <p>20 this little corner that says, Search Google</p> <p>21 Maps, and we've got the parking lot. This is</p> <p>22 where the new parking tower is located; is that</p> <p>23 correct?</p> <p>24 A. It's a parking garage, yes, sir.</p> <p>25 Q. Parking garage. And about 800 cars</p>	<p style="text-align: right;">Page 93</p> <p>1 CHAD MCLARTY</p> <p>2 will fit in there? Did I recall that?</p> <p>3 A. I would estimate closer to 500, but</p> <p>4 that's just me throwing out a number.</p> <p>5 Q. Okay. Now, do you think there are</p> <p>6 pedestrian issues up and down North Lamar</p> <p>7 sometimes at nighttime because of the cars that</p> <p>8 are parked over in this northeast corner</p> <p>9 because we've got a popular bar in the Graduate</p> <p>10 of Oxford -- I'm sorry, that's northwest</p> <p>11 corner -- northeast corner. And we've got The</p> <p>12 Blind Pig down here in the southwesterly</p> <p>13 corner?</p> <p>14 A. Mr. Williams, the difference</p> <p>15 between -- my answer would be no. I mean,</p> <p>16 because if you're trying to compare it to the</p> <p>17 courthouse square, it's -- it's not even the</p> <p>18 same ball game. Your line of sight is a whole</p> <p>19 lot better on North Lamar. Your lighting is</p> <p>20 better. There's only three crosswalks: one at</p> <p>21 Jefferson, one at Monroe, and one in between</p> <p>22 the chancery building and the coffee place.</p> <p>23 You come around that square, and it's</p> <p>24 completely different line of sight. The</p> <p>25 lighting is not where it needs to be. It's</p>

<p style="text-align: right;">Page 94</p> <p>1 CHAD MCLARTY</p> <p>2 like comparing apples to oranges to me.</p> <p>3 Q. So let's return back to Exhibit C.</p> <p>4 And we're looking at the Lafayette County</p> <p>5 courthouse from a satellite view.</p> <p>6 A. Yes, sir.</p> <p>7 Q. What about the closure of the</p> <p>8 courthouse grounds at dusk prevents anybody</p> <p>9 from using the crosswalks from the outside</p> <p>10 perimeter of the square to get onto the</p> <p>11 sidewalks that surround the courthouse?</p> <p>12 A. I mean, if you're talking about</p> <p>13 gaining -- whether wrought iron fencing is --</p> <p>14 the sidewalks are on the outside of the wrought</p> <p>15 iron fencing. So, I mean, they could still</p> <p>16 technically walk around the outside of the</p> <p>17 fencing.</p> <p>18 MR. O'DONNELL: Jack?</p> <p>19 MR. WILLIAMS: Yes, sir.</p> <p>20 MR. O'DONNELL: I'm not sure</p> <p>21 where you are in your exam, but now</p> <p>22 it's the lunch hour. Do you want</p> <p>23 to just press through, or do you</p> <p>24 want to take a break?</p> <p>25 MR. WILLIAMS: I probably</p>	<p style="text-align: right;">Page 95</p> <p>1 CHAD MCLARTY</p> <p>2 have about 30 minutes, tops. But I</p> <p>3 need to take a short break, anyway,</p> <p>4 because my body is being my body.</p> <p>5 MR. O'DONNELL: I prefer to</p> <p>6 press on if you've got 30 minutes.</p> <p>7 We can take a short break.</p> <p>8 MR. WILLIAMS: Well, let's do</p> <p>9 that, then.</p> <p>10 THE VIDEOGRAPHER: We are off</p> <p>11 the record. The time is 11:56 a.m.</p> <p>12 (Recess from 11:56 a.m. to</p> <p>13 12:07 p.m.)</p> <p>14 THE VIDEOGRAPHER: We are</p> <p>15 back on the record. The time is</p> <p>16 12:07 p.m.</p> <p>17 BY MR. WILLIAMS:</p> <p>18 Q. I'm not trying to keep y'all in</p> <p>19 suspense. I'm just trying to gather all of my</p> <p>20 documents. I should be sharing Exhibit C</p> <p>21 again, which is the zoomed-in satellite view of</p> <p>22 the courthouse. Is that on the screen?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Now, let me make certain</p> <p>25 that I understand entrances to the courthouse.</p>
<p style="text-align: right;">Page 96</p> <p>1 CHAD MCLARTY</p> <p>2 There is an entrance on the south side of the</p> <p>3 Lafayette County courthouse looking out onto</p> <p>4 South Lamar boulevard, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And it's a -- I can't remember how</p> <p>7 many doors there are. It's a true entrance,</p> <p>8 right?</p> <p>9 A. Yes, sir. It's dual doors.</p> <p>10 Q. So there's also another set of</p> <p>11 doors on the north side of the courthouse;</p> <p>12 isn't that correct?</p> <p>13 A. Correct.</p> <p>14 Q. And they are double doors also,</p> <p>15 correct?</p> <p>16 A. That's correct. There are two more</p> <p>17 doors on the north side, if I remember</p> <p>18 correctly, but they're not for public entrance.</p> <p>19 Q. I may be wrong, but I think one of</p> <p>20 those doors is the doors that the circuit court</p> <p>21 judges can use to get up to their chambers and</p> <p>22 into the courtroom, and another one may be</p> <p>23 where prisoners are escorted into and outside</p> <p>24 of the building.</p> <p>25 There is a -- I'm going to use</p>	<p style="text-align: right;">Page 97</p> <p>1 CHAD MCLARTY</p> <p>2 "courtyard," for lack of a better word. There</p> <p>3 is some grassy space on the north side of the</p> <p>4 courthouse outside those -- the northerly</p> <p>5 steps. That's correct, isn't it?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And isn't there a flagpole there?</p> <p>8 A. Yes, sir. Two of them.</p> <p>9 Q. Okay. Do you recall whether there</p> <p>10 are ever any ceremonies conducted there</p> <p>11 honoring either law enforcement officers or the</p> <p>12 military?</p> <p>13 A. One that sticks out to me is the</p> <p>14 fallen law enforcement officer thing they do</p> <p>15 every year. I know we have it on the north</p> <p>16 lawn of the courthouse, if the weather is</p> <p>17 permitting.</p> <p>18 Q. And approximately how many people</p> <p>19 gather for that?</p> <p>20 A. Best guess, 50, maybe. 40, 50.</p> <p>21 Q. Do they fit safely on the north</p> <p>22 lawn?</p> <p>23 A. Yes, sir.</p> <p>24 Q. About how long does that ceremony</p> <p>25 take?</p>

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1 CHAD MCLARTY  
2 A. 20 or 30 minutes, at best.  
3 Q. And court business continues while  
4 that ceremony is taking place?  
5 A. Out of respect for that ceremony,  
6 all of the court stops and comes and attends.  
7 Q. That would certainly make sense.  
8 Are there any other events that you know of  
9 that take place on the north lawn?  
10 A. That's the only one that I can  
11 think of, Mr. Williams.  
12 Q. Have you ever heard of an Easter  
13 bunny appearing for kids and their families on  
14 that north lawn?  
15 A. Well, like I said, my kids are a  
16 lot older. I do not recall that.  
17 Q. What about a Santa Claus?  
18 A. I don't really recall Santa Claus  
19 appearing on the north lawn. I'm not saying he  
20 hasn't. There was one group -- I remember a  
21 sleigh being out there. I don't know how that  
22 came about. I didn't ask any questions. I  
23 didn't see a big issue with it.  
24 Q. I wonder if there was a photo  
25 opportunity.

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1 CHAD MCLARTY  
2 correct?  
3 A. That is correct.  
4 Q. Do you know how the budget  
5 accommodates that varying demand?  
6 A. Without looking at it, I mean, I  
7 think there's a line item, like you said, for  
8 overtime. But, you know, how he comes up with  
9 that equation of how much money he needs in  
10 that budget for extra man hours, you would have  
11 to ask the sheriff. You know, I'm going to say  
12 that, basically, his budget, as far as salary  
13 is related, is just strictly the base salary of  
14 the employee times whatever is his budget, with  
15 a little bit of contingencies for overtime.  
16 Q. Have there ever been occasions when  
17 he's come to the board of supervisors and asked  
18 for additional funding to provide deputies to  
19 cover unforeseen events?  
20 A. I don't recall him per se asking  
21 the board of supervisors. He may have come to  
22 the county administrator and asked if he had  
23 enough money in his budget allocated to cover  
24 different additional man hours. In the budget  
25 itself, you can always move money around,

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1 CHAD MCLARTY  
2 A. I'm sure there was, but I wasn't  
3 there.  
4 Q. How does the budgeting process for  
5 the sheriff's department work?  
6 A. I mean, it's -- the sheriff gives  
7 his budget request to the county administrator.  
8 The board of supervisors review it, and, you  
9 know, we try to figure out ways to finance his  
10 budget without increasing millage. I mean,  
11 sometimes he gets what he wants; sometimes he  
12 doesn't. Unfortunately, we're not like the  
13 federal government. We just can't print money.  
14 Q. Does the budget include a line item  
15 for overtime for deputies and other law  
16 enforcement officers who are part of the  
17 sheriff's department?  
18 A. Well, I don't have the budget in  
19 front of me right now. That budget is massive  
20 in itself. I would be -- without looking at  
21 it, I really can't answer that question. And  
22 as far as him particularly asking for X amount  
23 of overtime in his budget, I don't recall.  
24 Q. Well, there are some times when  
25 more feet are needed on the ground than others,

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1 CHAD MCLARTY  
2 whether you take a car out of the budget or if  
3 you don't buy a couple of rifles. I mean, the  
4 county administrator and the sheriff can do  
5 that in-house most of the time on small  
6 budgetary items like that. They would not get  
7 us involved unless it was a massive -- a pretty  
8 good sizable amount of money.  
9 Q. Do you know how overtime is paid to  
10 deputies?  
11 A. I do not.  
12 Q. Do you recall an instance where the  
13 sheriff caused a bill to be sent either to the  
14 city or the University of Mississippi for the  
15 cost of manpower associated with providing --  
16 "security" is not the word that I'm looking  
17 for -- for ensuring that the University of  
18 Mississippi athletes' procession from the  
19 Confederate statue on the courthouse grounds,  
20 south on Lamar, and then east on University to  
21 the old National Guard armory -- I've lost my  
22 train of thought. Let me rephrase that.  
23 You know the march that I'm talking  
24 about, right?  
25 MR. O'DONNELL: I was going

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1 CHAD MCLARTY

2 to object, Jack, but I think you

3 fixed my objection.

4 MR. WILLIAMS: I'm usually

5 pretty good at keeping a train of

6 thought going, but, boy, that one

7 went off the tracks.

8 BY MR. WILLIAMS:

9 Q. So you are familiar with the

10 athletes' march from the Confederate soldier on

11 the courthouse grounds, down Lamar, and over to

12 the pavilion on University Avenue, correct?

13 A. I am familiar with the march. I

14 don't know which direction they went after they

15 left the Confederate memorial.

16 Q. Are you aware that the sheriff

17 caused an invoice to be submitted, either to

18 the university or the city, for the cost of the

19 additional manpower?

20 A. Yes, sir. He copied me on the

21 email.

22 Q. Okay. Has that ever happened

23 before that you know of?

24 A. Not that I'm aware of in my tenure

25 as county supervisor, no. We have discussed it

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1 CHAD MCLARTY

2 was -- the thorn in his side was that he was

3 not given advance notice. And they were on

4 courthouse property without a permit.

5 Q. Do you know Anthony Hervey?

6 A. I know of him.

7 Q. Do you know who he was?

8 A. Yes, sir.

9 Q. And who was he?

10 A. He was a black man that sat in

11 front of the Confederate memorial for years and

12 years, holding a Confederate flag.

13 Q. Okay. I'm sharing a screen, and

14 it's a YouTube screen. It's on the Local

15 Voices channel. And the person who took this,

16 if she has not, she's going to submit a little

17 affidavit, stating that it's authentic. But

18 I'm going to play this real quickly.

19 (Video played.)

20 BY MR. WILLIAMS:

21 Q. Did you observe that personally?

22 A. No.

23 Q. Do you know anyone who did?

24 A. No, sir.

25 Q. Do you know of any other funeral

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1 CHAD MCLARTY

2 before, but I don't think we've ever actually

3 sent a bill to anybody.

4 Q. And in what context have you

5 discussed it before?

6 A. I knew you was going to ask me

7 this. I really don't remember the -- what

8 happened, and I'm not saying it was related to

9 the sheriff's department. I'm just saying as

10 far as sending an invoice to the City of Oxford

11 for something that we felt paid -- that they

12 owed us. So maybe let me rephrase and back up.

13 As far as the sheriff's office is concerned, as

14 far as additional manpower, no. I've never had

15 a discussion about that.

16 Q. What is your understanding as to

17 why an invoice was submitted in this instance?

18 A. My understanding, from what

19 Sheriff East told me, was that there was no

20 time given to the sheriff, that it happened

21 very quickly, and he was not prepared for that

22 many student athletes to be congregated around

23 the Confederate memorial out in the street.

24 There was a huge safety issue as far as them

25 blocking traffic. And I believe that was what

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1 CHAD MCLARTY

2 procession that has been led in front of the

3 Confederate statue with Civil War reenactors

4 marching, singing Dixie?

5 A. Not to my knowledge, no, sir.

6 Q. There was a sheriff's department

7 car leading the procession, correct?

8 A. That's correct.

9 Q. Do you know whether the sheriff's

10 department billed the survivors of Anthony

11 Hervey for any additional manpower necessary to

12 provide safety during that procession?

13 MR. O'DONNELL: Object to

14 form. You can answer if you know.

15 A. Mr. Williams, I'm not aware of any

16 monetary exchange between the Hervey family and

17 the sheriff's department. Out of common

18 courtesy and respect, the sheriff's office and

19 OPD always escorts any of the dead in this

20 community to their final resting place.

21 Q. Does that normally involve a foot

22 procession around the courthouse and the

23 square?

24 A. No, sir, it doesn't normally

25 involve that. But it was just a couple weeks

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1 CHAD MCLARTY

2 ago, there was a young -- young kid, 17 years

3 old, that got killed in a car accident, and his

4 father worked for a truck -- a towing company.

5 And they did a procession around the

6 courthouse, and there were probably in excess

7 of 150 tow trucks involved. So, I mean,

8 there's always things that are going to happen,

9 depending on who that person is.

10 Q. Let's shift gears. The county has

11 discussed contextualization of the monument; is

12 that correct?

13 A. Yes, sir.

14 Q. And where does that stand right

15 now?

16 A. To be honest with you,

17 Mr. Williams, it's been a long time ago. I

18 would have to refer back to my board minutes to

19 see if we actually approved it or didn't

20 approve it. I actually don't recall.

21 Q. Do you recall whether it's been

22 discussed by the board in the last six months?

23 A. I do not remember, per se, me being

24 involved in any conversation in the last six

25 months about contextualization.

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1 CHAD MCLARTY

2 Q. And approximately how many years

3 has that committee been meeting?

4 A. At least two, maybe a little

5 longer. But dealing with Archives and History

6 is involved in that process.

7 MR. WILLIAMS: David, did you

8 ever have a case with Alex Alston

9 out of Jackson?

10 MR. O'DONNELL: I don't think

11 so, Jack. I know who you're

12 talking about. I don't believe so.

13 MR. WILLIAMS: Well, I was

14 lucky enough to work for him right

15 out of law school. And whenever I

16 attended a deposition with him and

17 he would get to the end, he would

18 say, let me talk to my lawyer,

19 which meant he just wanted to

20 consult with me.

21 I think we're close to

22 ending, but I would like to take a

23 moment to speak with Josh, if

24 that's okay with y'all.

25 MR. O'DONNELL: Sure. It

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1 CHAD MCLARTY

2 Q. What about in the last year?

3 A. I mean, you're asking me to go

4 back. I don't recall.

5 Q. Okay. Another historical topic

6 that has been considered within the

7 community -- and I believe at the county level,

8 and correct me if I'm wrong -- is erecting a

9 plaque memorializing African-Americans who were

10 lynched in Lafayette County; is that correct?

11 A. That's correct.

12 Q. And what is the status of that

13 presently?

14 A. We meet with that committee at our

15 next board meeting, which will be Monday --

16 Monday morning at 9:00. They're on the agenda.

17 Q. Okay. Are there any outside

18 advisors or consultants who are part of that

19 group in addition to the members of the board?

20 A. I mean, Mr. Rikard and

21 Mr. Gillespie have met with the committee that

22 is overseeing that project the last couple of

23 times. Years ago, when -- two or three years

24 ago, when they first started, myself and

25 Mr. Busby met with that committee.

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1 CHAD MCLARTY

2 will be fine.

3 MR. WILLIAMS: Okay. So take

4 10.

5 THE VIDEOGRAPHER: We are off

6 the record. The time is 12:37 p.m.

7 (Recess from 12:37 p.m. to

8 12:47 p.m.)

9 THE VIDEOGRAPHER: We are

10 back on the record. The time is

11 12:47 p.m.

12 MR. WILLIAMS: I have one

13 housekeeping measure, but,

14 Mr. McLarty, I have no further

15 questions of you. I know that I've

16 consumed a good part of your day,

17 and I know that it's not fun having

18 to be on your feet and think so

19 hard. And I thank you for giving

20 me the time and your attention

21 today.

22 THE WITNESS: I appreciate

23 you taking it easy on me.

24 MR. WILLIAMS: You know, I

25 practiced in Texas for a while.

<p style="text-align: right;">Page 110</p> <p>1 CHAD MCLARTY</p> <p>2 Those people are hard-asses. We're</p> <p>3 not in this part of the world. But</p> <p>4 I do want -- and this is just to</p> <p>5 make certain that the record is</p> <p>6 complete. I do want to add one</p> <p>7 thing to the record.</p> <p>8 I have just put a document in</p> <p>9 the chat box that's entitled,</p> <p>10 Funeral Procession Link.</p> <p>11 Ms. Duckett, have you</p> <p>12 received that?</p> <p>13 (Exhibit N was marked for</p> <p>14 identification.)</p> <p>15 MR. WILLIAMS: Okay. And I'm</p> <p>16 just going to share the screen real</p> <p>17 quickly so y'all can see what I've</p> <p>18 added. It's simply a screenshot of</p> <p>19 the page -- of the splash page for</p> <p>20 the video that we just watched.</p> <p>21 And I just want to make certain</p> <p>22 that the record reflects the video</p> <p>23 we watched and where to find it.</p> <p>24 And so with that said --</p> <p>25 MR. O'DONNELL: Jack, this is</p>	<p style="text-align: right;">Page 111</p> <p>1 CHAD MCLARTY</p> <p>2 your placeholder for the video?</p> <p>3 MR. WILLIAMS: Well, I think</p> <p>4 we're just going to submit the</p> <p>5 video with an affidavit. But that</p> <p>6 would work, too.</p> <p>7 MR. O'DONNELL: I understand.</p> <p>8 So the screenshot is not in and of</p> <p>9 itself an exhibit. It's reflective</p> <p>10 of the video or represents the</p> <p>11 video.</p> <p>12 MR. WILLIAMS: Yes. It is --</p> <p>13 it's memorialization. Does that</p> <p>14 make sense?</p> <p>15 MR. O'DONNELL: Yes.</p> <p>16 MR. WILLIAMS: Okay.</p> <p>17 MR. O'DONNELL: So do you</p> <p>18 have an exhibit number?</p> <p>19 MR. WILLIAMS: Pardon?</p> <p>20 MR. O'DONNELL: It has an</p> <p>21 exhibit number, right?</p> <p>22 MR. WILLIAMS: It does not,</p> <p>23 but, Ms. Duckett, will you make it</p> <p>24 Exhibit N.</p> <p>25 Okay. And with that, I have</p>
<p style="text-align: right;">Page 112</p> <p>1 CHAD MCLARTY</p> <p>2 no further questions of you today,</p> <p>3 Mr. McLarty, and I tender the</p> <p>4 witness.</p> <p>5 MR. O'DONNELL: And I just</p> <p>6 have a couple of questions, just to</p> <p>7 clarify.</p> <p>8 EXAMINATION</p> <p>9 BY MR. O'DONNELL:</p> <p>10 Q. Mr. McLarty, you were shown early</p> <p>11 on this morning a photo of a little girl eating</p> <p>12 yogurt at night. The photo depicted a</p> <p>13 Christmastime scene. Assuming that that photo</p> <p>14 was taken in December of 2020, would the fact</p> <p>15 that the girl was on the courthouse grounds at</p> <p>16 night be a violation of the county's closure</p> <p>17 policy?</p> <p>18 A. Yes, it would.</p> <p>19 Q. And you were also asked a question</p> <p>20 about the use of -- nighttime use of -- by a</p> <p>21 pedestrian -- of the exterior sidewalk, that is</p> <p>22 the sidewalk outside the fencing along the</p> <p>23 courthouse perimeter. If someone was using</p> <p>24 that exterior sidewalk at night, would that</p> <p>25 violate the county's closure policy?</p>	<p style="text-align: right;">Page 113</p> <p>1 CHAD MCLARTY</p> <p>2 A. Yes, it would. I misspoke earlier.</p> <p>3 MR. O'DONNELL: That's all I</p> <p>4 have, Jack.</p> <p>5 MR. WILLIAMS: I have no</p> <p>6 further questions.</p> <p>7 THE VIDEOGRAPHER: This</p> <p>8 concludes today's questioning. We</p> <p>9 are off the record. The time is</p> <p>10 12:54 p.m.</p> <p>11 COURT REPORTER: Counsel,</p> <p>12 would you like the same orders you</p> <p>13 have been getting?</p> <p>14 MR. WILLIAMS: Yes.</p> <p>15 MR. O'DONNELL: Yes.</p> <p>16 (The deposition of CHAD</p> <p>17 MCLARTY concluded at</p> <p>18 12:54 p.m.)</p> <p>19 * * * * *</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

CHAD MCLARTY

## REPORTER'S CERTIFICATE

I, Greta H. Duckett, Certified Court

Reporter, Registered Professional Reporter, and

Certified Realtime Reporter, hereby certify

that on Friday, January 15, 2021, I reported

the remote deposition of CHAD MCLARTY, who was

first duly sworn or affirmed to speak the truth

in the matter of the foregoing cause, and that

the pages herein contain a true and accurate

transcription of the examination of said

witness by counsel for the parties set out

herein.

I further certify that I am neither of

kin nor of counsel to any of the parties to

said cause, nor in any manner interested in the

results thereof.

This 28th day of January, 2021.



GRETA H. DUCKETT, RPR, CRR, CVR-S, RVR-M-S

ACCR-12, GCCR-2891, MCCR-1945, TNLCR-671

## ERRATA SHEET

Case Name:

Deposition Date:

Deponent:

Pg.	No.	Now Reads	Should Read	Reason
6	___	___	___	___
7	___	___	___	___
8	___	___	___	___
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18	___	___	___	___
19	___	___	___	___

Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_

(Notary Public) MY COMMISSION EXPIRES: \_\_\_\_\_



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